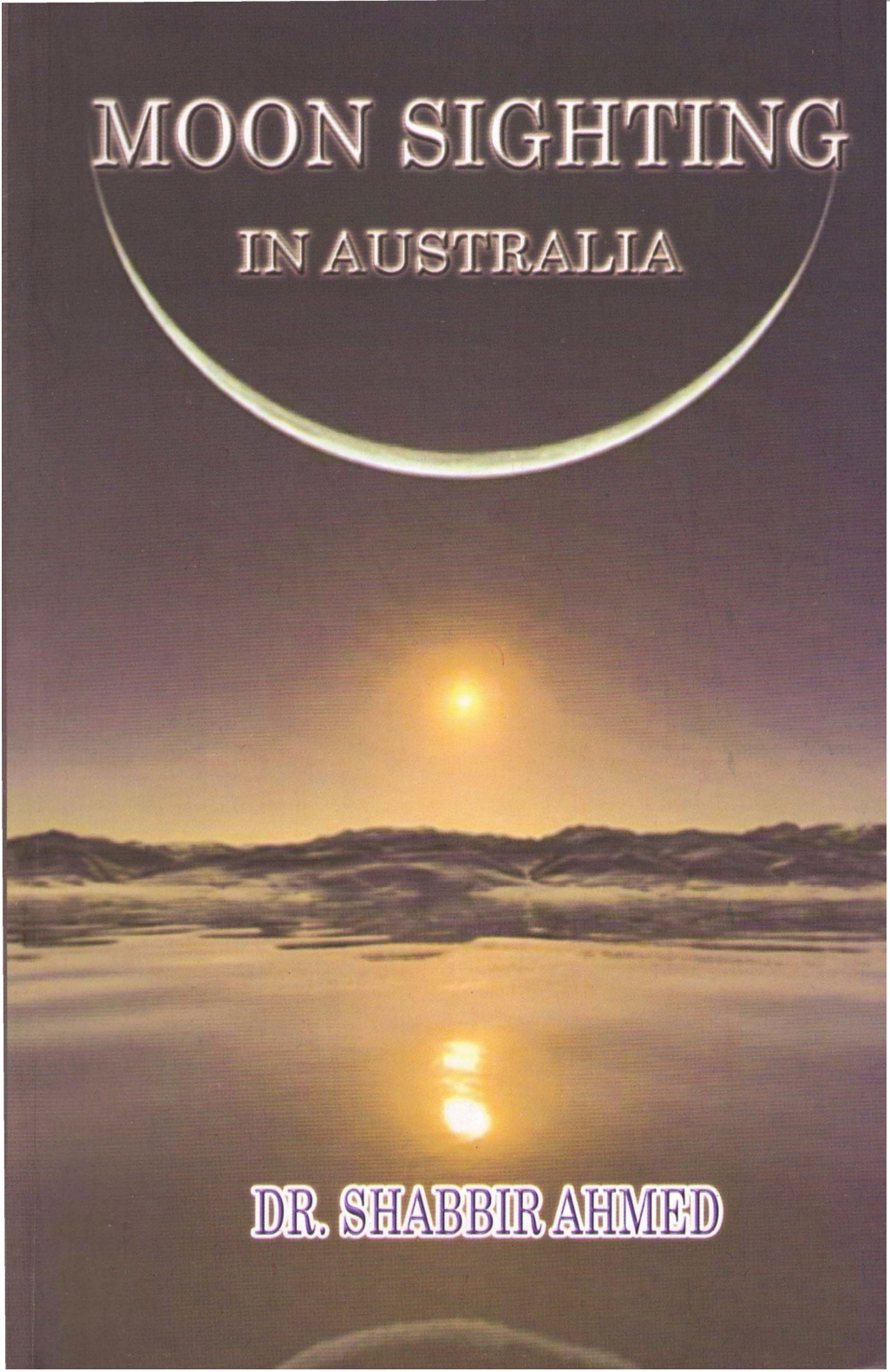
MOON SIGHTING

IN AUSTRALIA



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MOON SIGHTING IN AUSTRALIA

AUTHOR :Dr.SHABBIR AHMED
EDITION :FIRST
PAGES :138
YEAR OF PUBLICATION : JUNUARY 2008

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MOONSIGHTING
IN AUSTRALIA

By Imam Dr. Shabbir Ahmed

ACKNOWLEDGEMENT

All thanks to Allah, the Glorious for having granted me the health, potency and time to have completed the writing of this book.

I have taken the help of the references and bibliography of more than 40 books written by devout and well known scholars. I have listed the books and their authors that have been quoted in my book. Thanks go to all of them and ask Allah to grant them reward for their efforts.

I express my sincere appreciation and thanks to many persons for their input to this work in a number of ways of translating, editing, proofreading, and finally, printing.

May Allah grant the reward to all of those who have contributed directly or indirectly, in bringing out this book for the public. Āmeen.

Shabbir Ahmed

Day 20th Dhul Hajj 1428 (30/12/2007)
Sydney , Australia

بسمه تعالی

Majlis ul Ulamaa of Australia

INC 9880841

Majlis ulamaa of Australia which is serving the Muslim ummah here in Australia from the past few years is feeling the honor to write that Maulana Dr Shabbir Ahmed sahib, who is serving the Muslim community here in Australia has done a tremendous effort in bringing the ummah on to the sunnah of the Prophet **(Sallallāhu ‘Alayhi Wa Sallam)** in regards of moon sighting. By his restless effort and sacrifices a large amount of people are following moon sighting here in Australia.

May Allah **(Subhānahu Wa Ta‘ālā)** shower his favors and blessings on him for his effort to bring the ummah into the fold of sunnat-e- Nabawi alaihis salatu was-salam.

Dr Shabbir Ahmed Sahib has written this book on moon sighting (Ru’yat-e- Hilal) to make it easier for the ummah to understand logically and practice with all the relevant evidence according to Shari‘ah. He has mentioned all the evidence which was possible to explain about the topic and tried his best to educate according to the *Fiqh* ruling (Jurisprudence).

We pray that Allah **(Subhānahu Wa Ta'ālā)** accepts his effort and makes this book beneficial to all.

Mufti Naeem Ali
(Secretary of Majlis ul Ulamaa of Australia)

The following are the members of Mujlis Ulama Of Australia who approved with Dr. Shabbir Ahmed's research:

	NAME	
1	Maulana Ridwaan Rafi	Sydney
2	Maulana Shamim	Sydney
3	Mufti Naeem Ali	Sydney
4	Sheikh Abdul Moez Nafti	Sydney
5	Sheik Fadi Baba	Sydney
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8	Maulana Dr. Abdul Karim	Sydney
9	Sheikh Tariq	Sydney
10	Maulana Hafiz Gulam Ali	Melbourne
11	Mufti Muneeb	Melbourne
12	Maulana Imran Hussain	Brisbane
13	Maulana Shahzad Khan	Brisbane
14	Maulana Uzair Akbar	Brisbane
15	Sheikh Burhan	Perth

PREFACE

I arrived in Australia in May 1992 as the Imam of Rooty Hill Mosque. Soon after I have had the opportunity to meet two Senior Founding Members of Islamic Association Western Suburbs Sydney namely respected Mr. M.K Habibullah (we all fondly call him Chacha/Uncle) and Mr. Gulam Qutbuddin Siddiqui. It took me no time to realise that under the religious able guidance of Chacha Habibullah Saheb, assisted by Mr. G.Q.Siddiqui, a system was already in place in regard to the physical moon sighting on a monthly regular basis in Sydney including interstate personal phone contacts, as far back as 1978. May Allah (Subhānahu Wa Ta'ālā) give them and those who helped them in any way an abundant reward in this world as well as in the Hereafter for their efforts to revive almost forsaken Sunnah of our Beloved Prophet Muhammed (Sallallāhu 'Alayhi Wa Sallam) . It is equally important to note that just about the same time Chacha Habibullah Saheb started to prepare Annual Islamic Calendar including the daily prayers timetable.

These days the global Islamic Calendrical practices, in many Muslim countries in particular,

and all over the world in general, are in an awful mess. The fact of the matter is that the ability to land man on the lunar surface has been wrongly assumed to be a valid defence of the astronomical calculability.

Unfortunately, the phenomenon of Conjunction, in other words, astronomical NEW MOON TIME and occasionally even before its occurrence, is made the Criterion to commence/ terminate a lunar month, to fix the dates for two Eids and even the Hajj. Physical moon sighting is being considered as a thing of the past and irrelevant in this day and age.

It is about time that the Muslims all over the world should realise and recognize the gravity and seriousness of the situation and make concerted and collective effort to revive and revitalise the almost forsaken Sunnah of our Beloved Prophet Muhammed (Sallallāhu ʻAlayhi Wa Sallam).

In 1996 a meeting of many Imams/Religious Scholars representing many states of Australia, was held in Rooty Hill Mosque Sydney. After a lengthy discussion "Ru'yat-e-Hilāl Committee of Australia" was formed including myself as the

"Co-ordinator". It is very gratifying to note that currently more than fifty Imams/Religious Scholars representing almost all Australian States and Territories have unanimously agreed to take decisions solely on the basis of physical moon sighting ANYWHERE IN AUSTRALIA.

This book is a humble effort to throw enough light on the religious significance of the physical moon sighting as well as the importance of the astronomical guidelines in the determination of important religious events and dates.

It has never been my intention to offend and criticize anybody but to present facts and figures in the right perspective.

May Allah (Subhānahu Wa Ta'ālā) help us to meticulously follow the blessed Sunnah of our Prophet Muhammed (Sallallāhu 'Alayhi Wa Sallam).

Imam Dr. Shabbir Ahmed
20th Dhul Hajj 1428 (30th December 2007)

Sydney – Australia

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الحمد لله الذى جعل القمر نورا و قدره منازل لتعلموا عدد السنين والحساب و الصلاة والسلام على سيد الأنام سيدنا و مولانا محمد و على آله و صحبه و من تبعهم الى يوم الدين.

All of us should thank Allah **(Subhānahu Wa Ta'ālā)** that He has created and made us the followers of the Prophet Muhammad **(Sallallāhu Alayhi Wa Sallam).** All the pride that one can possibly feel for such a great blessing is not enough. Now it is our duty that by comprehending the uniqueness of the great Prophet **(Sallallāhu 'Alayhi Wa Sallam)** we should follow him **(Sallallāhu 'Alayhi Wa Sallam)** in all aspects of our life. Because he **(Sallallāhu 'Alayhi Wa Sallam** was Ameen, we should accept all of his orders without any changes. We should not use our intellect against his **(Sallallāhu 'Alayhi Wa Sallam)** orders.

CHAPTER 1 GENERAL

1.1 The Attributes of Sunnah

A Quanic Verses

Allah **(Subhaanahu Wa Ta'ālā)** has revealed many verses in the Quran in respect of obeying the Prophet **(Sallallāhu 'Alayhi Wa Sallam).** Some of the verses are as follows:

1. **" لقد كان لكم فى رسول الله أسوة حسنة لمن كان يرجوا الله واليوم الآخر "**

"You have a good example in the Messenger of Allah for everyone who looks forward to Allah and the Last Day, and remember Allah unceasingly."[1]

2. **قل إن كنتم تحبون الله فاتبعونى يحببكم الله ويغفرلكم ذنوبكم والله غفور رحيم.**

"Say: If you love Allah, follow me, Allah will love you and forgive your sins. Allah is Forgiving and Merciful."[2]

---

[1] Al-Ahzāb: 21
[2] Aal Imrān: 31

3. **فلا وربك لا يؤمنون حتى يحكموك فيما شجر بينهم**

"But nay, by your Lord, they will not be true believers until they ask your arbitration in their disputes. Then they will not doubt the justice of your verdicts and will submit to you entirely."[1]

4. **و من يطع الرسول فقد أطاع الله.**

"He that obeys his messenger obeys Allah thereby. [2]

5. **ومن يطع الله و رسوله فقد فاز فوزا عظيما.**

"And (know that) whoever pays heed to Allah and His Messenger has already attained to a mighty triumph." [3]

Along with these verses, there is another verse, which emphasizes too much on obeying the Prophet **(Sallallāhu 'Alayhi Wa Sallam)** and mentions that if the Prophet **(Sallallāhu 'Alayhi Wa Sallam)** passes a decision in some affair then no one else has any right to interfere in that affair, and we have absolutely no choice but to obey the Prophet

[1] Al-Nisā' :65
[2] Al-Nisā' : 80
[3] Al-Ahzāb: 71

(Sallallāhu ‘Alayhi Wa Sallam). If someone disobeys and uses his own logic in that affair, then that person goes astray. Thus Allah **(Subhānahu Wa Ta‘ālā)** says:

6. **و ما كان لمؤمن و لا مؤمنة إذا قضى الله و رسوله أمرا أن يكون لهم الخيرة من أمرهم و من يعص الله و رسوله فقد ضل ضلالا مبينا.**

"Now whenever Allah and His Messenger have decided a matter, it is not for a believing man or a believing woman to claim freedom of choice in so far as they themselves are concerned ". [1]

B Ahādith

In addition to Quranic verses, there are several Ahādith where it is ordered to obey the Prophet **(Sallallāhu ‘Alayhi Wa Sallam).**

1. **عن جابر بن عبد الله (فى حديث طويل،قال بعض الملائكة:) فمن أطاع محمدا فقد أطاع الله ، ومن عصى محمدا فقد عصى الله.**

Whoever obeyed Muhammad **(Sallallāhu ‘Alayhi Wa Sallam)** he obeyed Allah **(Subhānahu Wa Ta‘ālā)** and whoever disobeyed Muhammad **(Sallallāhu**

[1] Al-Ahzāb: 36

‘Alayhi Wa Sallam), he disobeyed Allah **(Subhānahu Wa Ta‘ālā)**. [1]

2. **لايؤمن أحدكم حتى يكون هواه تبعا لما جئت به.**

No one among you can become a true complete believer unless he surrenders his own desires against those things which I brought. [2]

3. **عن أبى هريرة – رضى الله عنه – أن رسول الله – صلى الله عليه وسلم– قال : كل أمتى يدخلون الجنة إلا من أبى قيل : ومن يأبى يا رسول الله قال: من أطاعنى دخل الجنة ومن عصانى فقد أبى.**

My whole Ummah will enter the paradise except he who refused, He was asked: oh, Prophet of Allah! Who refuses? He **(Sallallāhu ‘Alayhi Wa Sallam)** said: he who obeyed me, will enter the paradise and he who disobeyed, indeed he refused. [3]

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[1] Al- Bukhari: 3/249
[2] sharh ul Sunnah
[3] Al-Bukhari : 3/249

1.2 Indispensable of Sunnah

Indeed there are numerous Ahādith wherein it is ordered to obey the Prophet **(Sallallāhu ‘Alayhi Wa Sallam)**. But these days many people just rely on their own logic and ignore the Prophet's **(Sallallāhu ‘Alayhi Wa Sallam)** orders. They seem to wrongly believe that in this day and age of scientific and technological advancement, the Ahādith of this nature are either irrelevant or inapplicable. This is absolutely a misleading and absurd argument. The validity of a Hadith is unquestionable until eternity.

Those Muslims who unfortunately think and practice Religion based on their farcical notions and ideas, will be held accountable in the Hereafter. Islam is a universal Religion revealed for all the mankind regardless of the place one lives in, poor or rich, educated or uneducated, scientifically advanced or backward. The Islamic laws and rulings are equally binding on all the Muslims of the world with no exception.

It is essential for all of us to follow the Prophet **(Sallallāhu ‘Alayhi Wa Sallam)** especially during such a time when people are giving up Prophet's **(Sallallāhu ‘Alayhi Wa Sallam)** Sunnah. During such a time the

importance of obeying the Prophet's **(Sallallāhu ‘Alayhi Wa Sallam)** Sunnah becomes manyfold because the follower of Sunnah during such a time is promised to be rewarded equal to one hundred martyrs. According to one Hadith "Whoever keeps alive my one Sunnah at the time when my ummah is divided, will get the reward equal to one hundred martyrs”.

I think now is the time that if we follow some of those sunnahs which are being completely given up, for sure we will achieve great reward (In shaaAllah).

CHAPTER 2 Moon Sighting

1.1 Sunnah of Moon Sighting

A Worship Days are based on Moon Sighting:

Among the sunnahs of our Prophet **(Sallallāhu ‘Alayhi Wa Sallam)** one is the sighting of the moon which is being given up and ignored these days. There are many Ahādith in this respect that "Start fasting in Ramadan after sighting the moon and celebrate Eid after sighting the moon."

The fact is that according to Islamic law all those duties which are for full days are based on moon sighting. For example start of fasting and end of fasting are based on moon sighting. The days of Hajj, a pillar of Islam, are decided by sighting the moon. For zakāt, completion of the year is determined by moon. The completion of a woman's‘ iddat is also calculated according to lunar days. Similarly there are numerous laws which are based on moon sighting.

B Fasting and Eids Celebrations or ‘Ibādat

First we should see the real purpose of fasting, Eids, Hajj etc. Are all of these, especially Eids just celebrations or ‘ibādat? If we take them as celebrations only then there is no further deliberation. In this case we can celebrate Eid whenever we like and all of us can participate together in order to show total Muslims unity. But if we really think, that all these events are ‘ibādat, then we are bound to strictly follow the rules of shari‘ah. There is absolutely no room for personal opinion or our own logic. Whatsoever conditions shari‘ah has fixed for us, we are bound to practice them. Take the example of fasting. One can argue that why the period between dawn and sunset is fixed for fasting? Why not until ‘Ishā? Similarly instead of fasting 29 or 30 days why we cannot fast for 28 or 31 days? Regardless of the moon sighting, what is the harm in fasting 29 days or 30 days? Similarly, in order to show unity, why not start fasting or celebrating Eid on the day when majority of the people are celebrating without sighting the moon.

The answer to all of these absurd arguments is that it is nothing but gross violation of the commandment of Allah **(Subhānahu Wa Ta‘ālā)** and

the tradition of His messenger **(Sallallāhu ‘Alayhi Wa Sallam).** If we follow the laws of shari‘ah, then our practice will become an ‘ibādat.

C Philosophy of Moon Sighting:

Allaamah Haafiz Ibn-e-Hajr has described the philosophy of moon sighting in a beautiful way. He mentions "Prophet **(Sallallāhu ‘Alayhi Wa Sallam)** has ordered that if the sky is cloudy then complete 30 days of fasting. This means that if the moon is not sighted then 30 days are to be completed. Prophet **(Sallallāhu ‘Alayhi Wa Sallam)** has not said that in the case when moon is not sighted consult the scientists or astronomers. In fact the philosophy behind this order is that by counting 30 days everyone can know about the new month. Everyone will be equal in that case. Further if we follow the principle of moon sighting then there will be no dispute. [1]

May Allah grant Allaamah Ibn-e-Hajr high reward. He has passed a beautiful decision about 550 years ago. Our basic error is that we have thrown our Prophet's **(Sallallāhu ‘Alayhi Wa Sallam)** saying behind our backs. Whenever Muslims will

[1] Fath ul Bari 4:109

do like this, Allah **(Subhānahu Wa Ta'ālā)** will punish us through our own disputes.

The great scholar Shah Waliyyullah of Delhi has also described the philosophy of moon sighting in his book Hujjat-Ullahil- Baaligah: "I say that when shari'ah has bound fasting with the lunar month, then if a doubt is faced it is necessary to follow the shari'ah principle: that is, if the moon is sighted, it is well and good, otherwise, one should complete 30 days." [1]

The Grand Mufti of Pakistan Mufti Muhammad Shafi' describes the philosophy of moon sighting:

"The truth of the matter is that Islam does not believe in discrimination based on countries, language or geographical locations. According to Islam all the Muslims whether in the east or in the west are equal. Its laws are not for a few cities only, but it is applicable for all the mankind in the world. In this world there are many more villages and towns in number than the cities where despite of the modern scientific developments, still the knowledge of science and the equipment of

[1] Hujjat-Ullahil- Bāligah 2:51

communications have not reached. Were the Prophet's **(Sallallāhu ‘Alayhi Wa Sallam)** orders only for a few educated citizens and were it compulsory for us to resort to scientific equipment or to fly above the clouds in order to confirm the new moon, it would have been extremely difficult for most of the followers of Islam. Leave the previous fourteen hundred years aside, and imagine that even in the 20th century this would have been posed enormous difficulties for Islamic world. Moreover if adopting such methods were declared as more rewarding, then the rich people would get more reward just because they have the scientific equipment and airplanes. In such circumstances it would be out of control for the poor to secure better reward in respect of fasting and prayers. This notion is completely against the spirit of Islam.” [1]

[1] Risālah Ru’yat-e-hilāl p. 20-21

1.2 Quranic Verses Regarding New Moon:

A. Quranic Verses

Now we overview Quranic verses regarding the new moon.

1. **يسألونك عن الأهلة قل هى مواقيت للناس والحج .**

"People ask you (O' Prophet) about the new moon. Say: They are fixed seasons for mankind and for the pilgrimage".[1]

Allāmah Hafiz Ibn-e-Katheer explains this verse: "Abul Aaliah says that he has been informed that some companions of the Prophet asked him **(Sallallāhu 'Alayhi Wa Sallam)** why the new moon is created? In response to this question Allah **(Subhānahu Wa Ta'ālā)** revealed this verse. The Prophet **(Sallallāhu 'Alayhi Wa Sallam)** has told us that Allah **(Subhānahu Wa Ta'ālā)** has created new moon for fasting, Eid, counting the special days of a woman and for the determination of various religious affairs." Hafiz Ibn-e-Katheer has further explained that " Hazrat Abdullah Bin Umar

[1] Al-baqarah:189

(Radhiyall āhu ‘anhuma) has mentioned one Hadith in this respect that Prophet **(Sallallāhu ‘Alayhi Wa Sallam)** said "Allah **(Subhānahu Wa Ta‘ālā)** has created new moon for the mankind to determine the time, therefore, start fasting after sighting the moon and celebrate Eid after sighting the moon and if the sky is cloudy then complete 30 days for fasting". [1]

Abdullah Bin Abbas **(Radhiyall āhu ‘anhuma)** has explained this verse: " People used to ask the Prophet **(Sallallāhu ‘Alayhi Wa Sallam)**about the moon that sometimes it becomes bigger and sometimes smaller. What is the reason behind this? Answering to this Allah **(Subhānahu Wa Ta‘ālā)** sent the revelation: "O'Muhammad **(Sallallāhu ‘Alayhi Wa Sallam)** Say: It tells the people different times. That is, the moon is for decisions in religious affairs and for counting the special days for women." [2]

2. **هوالذى جعل الشمس ضياء والقمر نورا وقدره منازل لتعلموا عددالسنين والحساب .**

"He is the one who appointed the sun a splendour and the moon a light, and measured for her stages, that you might

[1] Tafseer Ibn-e-Katheer 1:214
[2] Tafseer Ibn-e-Abbas P: 21

know the number of years, and the reckoning".[1]

Shaikh-ul-Islam Ibn-e-Taimiyah explains this verse: "The count of months and years depend on the stages of moon and similarly some mathematical and other calculations also depend on moon, because we rely on the calculations involved in many events on the lunar month. That is why Allah **(Subhānahu Wa Ta'ālā)** has declared moon as a tool for measuring time and specially the Hajj time. The things which I have mentioned clearly state that the completion of months and years depend on moon and nothing else is the substitute of the moon, because the moon is in front of everybody and thus provides ease for everybody. Further, it provides a consensus which is free from any dispute."

3. **والقمر قدرناه منازل حتى عاد كالعرجون القديم**

"And for the moon We have appointed stages till she return like an old shrivelled palm-leaf ". [2]

---

[1] Younus : 5
[2] Yaseen : 39

Hazrat Shaikh-ul-Islam Allāmah Shabbir Ahmad Uthmani explains this verse: "Like sun, the moon does not remain in a fixed condition, instead, it grows bigger or reduce in size every day. Allah **(Subhānahu Wa Ta'ālā)** has fixed 28 stages for the moon, which the moon covers according to a fixed system. The previous verses describe the days and nights, then came the description of the sun which helps growing the crops. Now we describe the moon which is responsible for determining the months. When the sun overshadows the moon at the end the month and thus the moon becomes invisible. After some time it becomes visible, and then grows bigger and bigger until the 14th night and then starts reducing, and at last it reaches the stage when it becomes thin and bent like an old palm-leaf." [1]

B Ahādith Regarding Moon Sighting:

It seems reasonable now, that we should study some Ahādith about sighting of the moon. There are several Ahādith on this topic. Prophet **(Sallallāhu 'Alayhi Wa Sallam)** has mentioned about moon sighting in many different words. When I started looking into these Ahādith, I found about 40

[1] Tafseer Usmani pp. 574

Ahādith on this topic. Many companions of the Prophet **(Sallallāhu ‘Alayhi Wa Sallam)** have narrated Ahaadith regarding moon sighting. Among them are Umar Bin Khattāb, Abdullah Bin Umar, Abu Hurairah, Abdullah Bin Abbas, Aisha Siddiqah, Huzaifah, Talaq Bin Ali, Jabir Bin Abdullah, Bara' Bin Aazib, Abu Bakarah Nufai' Bin Hārith, Raafi' Bin Khadeej, 'Adi Bin Hātim **(Radhiyall āhu ‘anhum).**

Similarly almost every book of Hadith has narrated Ahādith regarding moon sighting including Bukhari, Muslim, Al-Tirmazi, Ibn-e-Majja, Abu Dawood, Muattā’ Mālik, Musnad Ahmad Bin Hanbal, Sunan Al Baihaqi, Sahih Ibn-e-Khuzaimah, Sahih Ibn-e-Habbann, Majma-ul-Zawā’id, Sunan-al-Darqutni, Muattā’ Muhammad, Musnad Abu Dāwood Altiyālisi.

Now I quote some Ahādith so that we know the importance of moon sighting.

1. **عن ابن عمر أن رسول الله – صلى الله عليه وسلم – ذكر رمضان فقال : لا تصوموا حتى تروا الهلال ، ولا تفطروا حتى تروه فإن غم عليكم فاقدروا له .**

Abdullah Bin Umar **(Radhiyall āhu ‘anhuma)**

narrates that the Prophet **(Sallallāhu ‘Alayhi Wa Sallam)**said, "Do not start fasting until you see the moon and do not celebrate Eid until you see the moon. If the sky is cloudy, complete 30 days of fasting." [1]

2- عن أبى هريرة – رضى الله عنه – قال : ذكر رسول الله – صلى الله عليه وسلم – الهلال فقال : إذا رأيتموه فصوموا و إذا رأيتموه فأفطروا فإن أغمى عليكم فعدوا ثلاثين .

Abu Hurairah **(Radhiyall āhu ‘anhu)** narrates that the Prophet **(Sallallāhu ‘Alayhi Wa Sallam)** said, "When you see the moon then start fasting and when you see the moon celebrate Eid. If it is cloudy then complete 30 days of fasting.[2]

3.

عن ابن عباس – رضى الله عنهما – عن النبى – صلى الله عليه وسلم – قال: صوموا لرؤيته وأفطروا لرؤيته فإن حال بينكم وبينه سحاب أو ظلمة أو هبوة فأكملوا العدة ..... ولا تصلوا بيوم من شعبان .

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[1] *Bukhari 4:119, Muslim: 1080*

[2] *Muslim :1081, Al-Nisaai 4: 133, Ibn-e-Majja 1688*

Abdullah Bin Abbas **(Radhiyall āhu ‘anhuma)** narrates that the Prophet **(Sallallāhu ‘Alayhi Wa Sallam)** said, “Start fasting after seeing the moon and celebrate Eid after seeing the moon. If clouds or darkness or dirt fall between you and the moon, then complete the count of 30 days. And do not fast one day earlier from Ramadān. [1]

4. عن عائشة – رضى الله عنها – قالت : كان رسول الله – صلى الله عليه وسلم – يتحفظ من هلال شعبان ما لا يتحفظ من غيره ، ثم يصوم لرؤية رمضان فإن غم عليه عد ثلاثين يوما ثم صام .

Aisha Siddiqah narrates what the Prophet **(Sallallāhu ‘Alayhi Wa Sallam)** used to do by himself regarding the moon. She narrates, "Prophet **(Sallallāhu ‘Alayhi Wa Sallam)** used to take extra care of Sha‘bān moon, that he never cared in any other month. After that, he used to start Ramadān fasting after sighting the moon. If the sky were cloudy he **(Sallallāhu ‘Alayhi Wa Sallam)** used to complete 30 days of Sha‘bān, and then started fasting. [2]

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[1] *Al Baihaqi, 4:207, Ibn-e-Khuzaima 3:204, Musnad Ahmad 3:438, Al-Tirmadhi 688, Al-Nisai 4: 153*

[2] *Musnad Ahmad 6:149, Abu Dawood 318*

Imagine how much our Prophet **(Sallallāhu ‘Alayhi Wa Sallam)** cared about the Shaʻban moon, but these days people pay no heed in this matter. Obviously if we mistake in Shaʻbān, automatically Ramadān will be mistaken and if we start fasting on the wrong day, we will celebrate Eid on wrong day.

5. **عن حذيفة – رضى الله عنه – قال: قال رسول الله – صلى الله عليه وسلم–: لا تقدموا هذا الشهر حتى تروا الهلال أو تكملوا العدة .**

Huzaifah **(Radhiyall āhu ‘anhu)** narrates that the Prophet **(Sallallāhu ‘Alayhi WSallam)** said, "Never bring in advance the month of Ramadan unless you see the moon or complete 30 days for Shaʻabān." [1]

6. **عن عدى بن حاتم قال: قال رسول الله – صلى الله عليه وسلم – : إذا جاء رمضان فصم رمضان ثلاثين إلا أن ترى الهلال قبل ذلك .**

Adi Bin Hatim **(Radhiyall āhu ‘anhu)** narrates that the Prophet **(Sallallāhu ‘Alayhi Wa Sallam)** said, "When you come across Ramadān, fast for 30

[1] Abu Dawood 318, Al-Nisai 4:135, Sahih Ibn Khuzaimah 3:203, Sahih Ibn-e-Habbaan 875

days or unless you see the moon (then fast for 29 days)." [1]

As I mentioned earlier there are many Ahaadith regarding this matter but briefly the above Ahādith show that the Prophet **(Sallallāhu ʻAlayhi Wa Sallam)** repeatedly mentioned that firstly the fasting and the Eid should be based on moon sighting and secondly moon sighting is also a necessity for the commencement of lunar month.

C Science and Shariʻah:

These days it is propounded that since this is the age of science, we should take benefit of scientific research and *Ijtihād*. Those who blindly follow the astronomical data and wholeheartedly reject the concept of physical sighting of the moon for the Commencement and termination of each lunar month; this is nothing but an uneducated misinformed wild guess. Two points of view are presented by them:

1. To follow science while giving up Shariʻah.

[1] Majma-ul-Zawā'id 3: 146

2. To consider recent astronomical research as *Ijtihād*.

For the first point that action should be taken on Scientific findings in place of Shari‘ah, no true researcher will permit it. If any one does, he is not a researcher. It is a ridiculous and absurd proposition.

Yes, the second point may be discussed as there is no contradiction and conflict between Islam and science. If there is any, it is because of our own incomprehension. As a Muslim we should take the Shari‘ah and Science side by side but Shari‘ah should be assigned a primary position. Many examples can be given but not possible to mention in this short treatise. Let us have the most relevant example of ***Hilāl***. As the calendar is prepared not every month but once a year, if the moon’s visibility is possible from observatory findings on 29th of a month, we consider that month of 29 days otherwise of 30 days in preparing the yearly calendar beforehand. This is very much in compliance to the scientific findings. However in compliance with the Shari‘ah ruling, efforts are invariably made to physically sight the moon on 29th day of each lunar month. In the event it is not sighted then the

month in question is considered to be of 30 days in accordance with the tradition of our Beloved Prophet Mohammad **(Sallallāhu ‘Alayhi Wa Sallam).**
The Islamic calendar is corrected if it becomes necessary.

The astronomical Criteria, applied to the sighting of the moon (Crescent) should only be used as a guide so as to eliminate the confusion as to when the new moon (Hilāl) is most likely to be seen at a particular geographical location. Total ignorance of the local astronomical data and the optimum conditions required for the sighting of the new moon (Hilāl) leads to chaotic situation especially at the commencement of each lunar month.
That is what exactly is the position the Islamic Calendar is in these days all over the world. It is a classical example of communal self-inflicted injury.

The question of accepting the evidence regarding the moon sighting does not arise at all when we know for sure that the new moon is not even born at the time of reported sighting of the new moon. By the way the new moon time also called Lunation or Conjunction time is an astronomical phenomenon which occurs on a monthly basis,

which has absolutely nothing to do with the visibility of the Hilāl (Crescent). This topic is discussed in detail later in this article.

1.3 Astronomical terms

A. Optimum conditions

It is imperative for us to be familiar with the astronomical terms and the optimum conditions laid down by the astronomers for the physical sighting of the new moon for a particular geographical location we happen to live in. The acquisition of knowledge of this sort is vitally important for all the religious leaders in particular and the Muslims in general. Then only we can confidently claim that we know what we are talking about.

B Astronomical terms

Let us now understand the following terms:

1. ***MUHAQUE –*** Time Unseen
2. ***TAWLEED-UL-QAMAR*** :New Moon (Conjunction)
3. ***WUJUD-UL-QAMAR*** :Moon-existence
4. ***IMKAAN-UL-ROOYAH*** :Probability of Moon-Sighting.

1. ***MUHAAQUE*** . When the dark portion of the moon is in front of earth and the lit portion in front of the sun, this is the TIME UNSEEN (MUHAAQUE). NEW MOON is in the middle of the TIME UNSEEN. There is about one day and night *muhaaque* before new moon and one day and night *muhaaque* after new moon. Thus *muhaaque* is for two or three nights in total.

2. TAWLEED-UL-QAMAR

New Moon is termed as *Meelaad-ul-hilaal, Wilaadat -ul-hilaal* or *Tawleed-ul-Qamar* in Arabic. Allah **(Subhānahu Wa Ta'ālā)** has fixed the courses of the moon referred to as قدّره منازل in the Holy Quran. When the moon, after its course, comes exactly in front of the sun and the earth also comes in the same line, NEW MOON TIME commences. (Note: It is to be clarified that there is no birth of the moon. The word *Tawleed* is just a term used as a misnomer from the beginning. Islam does not consider this *tawleed* or new moon time. Islam refers to the moon sighting that occurs after an angular distance of 10-12^{o} between the moon and the sun.

3. *WUJOOD-UL-QAMAR*

After the sunset that occurs after the NEW MOON, for some time how small it may be even for one minute, the moon remains on the horizon. This existence of moon after sunset is called *Wujood-ul-Qamar* (Moon-Existence).

Now the question arises! Can the date be fixed by this MOON-EXISTENCE? Some consider the very existence of moon is sufficient whether it has become Hilaal or not. This idea is wrong rationally as well as traditionally. As the moon of few minutes is not exactly between the sun and earth in line but a little highly offset, it sets after the sun having the black portion towards the earth and the lit one towards the sun. Hence rationally such moon is not visible. Even by seeing through telescope, only the black silhouette of the moon may be visible but not the moon- the Hilaal. Traditionally Shari‘ah cannot accept this moon as the condition is the visibility of Hilaal - the moon, not its silhouette.

4 IMKAN-Ul-RU’YAH.

There is a great difference between *WUJOOD-E-QAMAR* and *IMKAN-ul-RU'YAH*. For *WAJOOD-*

UL-QAMAR the existence of moon on the horizon even for one minute after sunset is sufficient enough while for Probability of moon sighting, the moon should be at an average distance of 12^{o} from the sun to be out of the lit rays of the sun to have its bright portion in front of us. Hence if the horizon is clear, moon can be sighted by the eyes. This is known as Probable Moon sighting Time.

1.4 The Basis of Islamic Calendar

A Probability of Moon Sighting

The Islamic Calendar should be based on the PROBABILITY OF MOONSIGHTING in order to avoid all the differences. It is a matter of regret that the advocates of science, leaving aside the *IMKAN-UL-ROOYAH*, make decisions on *WUJUD-UL-QAMAR* and sometimes even on the NEW MOON, having the moonset before the sunset. Both these decisions are wrong scientifically as no scientist of the world can confirm the visibility of the moon on MOON EXISTENCE or *WUJUD-UL-QAMAR.*

Prof. Dr. Mohammad Ilyas of Malaysia visited Sydney last year. During a talk, he stressed that there should be no differences if a calendar is prepared on the IMKAN-E-RUYAH. He declared that the time difference between the moonset and the sunset i.e. the elongation should be minimum of 40 minutes for the visibility of the moon, with respect to Sydney.

Prof. Dr. Mohammad Ilyas has written an excellent book regarding Islamic Calendar

describing the global visibility of the new moon from 1977 to 2049. Also he has given a lot of information about the visibility and the sighting of the moon and he has set the criteria for physical moon sighting.
He said:

> ‘Al-Battani knew that more than 24 hour age criterion (or arc of separation of 12^0) was a good starting point.’
>
> ‘Since later astronomers such as Al-Sufi (in the 10^{th} century) and Al-Kashani (in the 15^{th} century) both quote a > 12^0 criterion in their books Austroglobes and Khaqani Zij respectively.’ [1]

Science and Shari‘ah both can agree on the *IMKAN-UL-RUYAH*. Problem arises when on one hand the scientific findings are not used and on the other hand, the persons taking action based on Shari‘ah are labeled as ignorant and backward people. Obviously in such a situation differences will arise resulting into three Eids instead of one. In short, we Muslims become the laughing-stock for the non-Muslims. The blame goes to the

[1] Astronomy of Islamic calendar.83

Muslims in authority who commit grave sins by making wrong decisions.

It is a sin to have Ramadān fasting in the month of Shaʻbān and similarly it is a great sin to have Eid in the month of Ramadān. Both these mistakes are because of leaving Shariʻah as well as not acting upon scientific findings. What are the intentions of such people?

Science has nowadays made so much progress that there should not be any problem in preparing Islamic Calendar. The astronomical data published by the observatory not only tell us about the visibility of the moon on a particular date but provides the following details:

1) The birth of the moon 2) The moon setting 3) The sun-setting 4) The age of the moon 5)The period for the moon on horizon after sunset 6) The angular distance of the moon from the sun i.e. elongation 7) The altitude of the moon in degrees 8) Visibility of the moon by the people 9) The first place in the world for moon's visibility 10) The size of the moon.

B Conditions for the Possibility of Moon-sighting in Relation to Observatory:

There are two factors directly effective for moon-sighting.

1. Elongation:

Elongation is the angular distance between the moon and the sun. The limit bound for the moon to be away from the sun to be out of the rays of the sun is fixed differently by different persons.

a) One claims it to be 8^o but observation nullifies it.
b) Some claim it to be 10^o but most have the consensus on 12^o.

It has been observed that the moon is out of the bounds of the sun after 12^o.

The author of' Al-Tasreeh narrates:

'When the moon is at 12' from the sun, we can see the moon i.e. a shining portion of the moon. It is called al-Hilaal.'[1]

[1] Al-Tasreeh, p.52

The above quotation indicates that Hilaal is not formed for an elongation less than 12^o.

Thus the technical word Hilaal is assigned to the shining portion of the moon that can be seen. Following is in Sharah Chaghmini:

'When moon is 12^o away from the sun, we can see the edge of the moon and it is called Hilaal.' [1]

It is appropriate here to present the quotation from the book' Falakiyat-e-Jadeedah' by the renown professor of Jamia Ashrafia , Maulana Moosa Roohani. It is a good presentation:

"The findings of the old and modern astronomers are different in relation to the visibility of the first moon about the eastern angular distance between the sun and the moon.

1. At the time of sunset, moon should be at least 10^o away from the sun in east for the visibility.
2. It should be 8^o
3. The moon should be at such a distance

[1] Sharah Chaghmini, p. 90

from the sun in east that it remains shining at least for 40 minutes.

4. The distance should be 12^{o}

5. The distance should be 12-13^{o}. The past and the present scholars of astronomy agree 13^{o} as the sufficient distance for the purpose of visibility.

Hence the 12^{o} distance points out that in the end of month when the moon is 12^{o} or less, it will vanish from sight till after surpassing the sun it travels 12 towards east away from the sun. Thus the moon can be out of sight at least for 24 degrees: 12 degrees on one side and 12 degrees on the other side.

It should be known that moon travels 1^{o} in two hours. Hence there should be a period of 48 hours at the end of the month in which moon will not be visible - 24 hours on the west of the sun and 24 hours on the east of the sun. Thus it is clear that the age of new moon should be at least 24 hours. For version No. 1 (10^{o}) and version No. 2 (8^{o}) the age of the moon will be 20 and 16 hours respectively and the non-visible period of the moon will be 40 and 32 hours respectively."[1]

[1] Falakiyat-e-Jadeedah:2/314-316

The above quotation has made it clear that the elongation of 12^o is essential for the visibility of the moon. Ten degrees may be considered provided the age of moon is adequate but eight degree is extremely rare. The second important term is the altitude on which the visibility depends.

1 Altitude:

(The Elevation of Moon from the Earth)

It is an important measurement. At the time of sunset the moon should be at least 5^o higher than the sighting place for the visibility of the moon. If the altitude is not at least 5^o, even the elongation of 20^o will not enable the visibility of the moon. Only when the moon is of many days and wide enough, then the moon can be visible only even at an altitude of 3^o.

The tragedy is that the persons who advocate the advancement of science to make decisions about the moon by calendar much earlier, do not properly use scientific principles. Their decisions depict that neither elongation nor altitude is taken into consideration. Sometimes the sighting is approved for an altitude of 1 or 2^o, even sometime

at minus altitude i.e. before the sunset. Such decisions neither follow science nor Shari‘ah. What they follow are their whims. Here the purpose is not to criticize others but to draw attention towards agreeing on the principles of science and shari‘ah.

Some time ago I had a talk with the Curator of Sydney Observatory Dr. Nick Lomb on this topic. He also agreed that the visibility is never possible on the day of NEW MOON or with minus or 2-4 degrees altitude of the moon. Moon can be visible one or two days after the NEW MOON when the difference between sunset and moonset is at least 47 minutes.

In the Sydney Sky Guide, 1997, Dr Nick Lomb has introduced the topic‘ The Visibility of the Moon’ on page 28. He published this section especially for the benefit of the Muslims so as to enable them to solve the problem of the visibility of the new moon from the astronomical point of view.
Following is the most relevant excerpt of this section from page 28.

"At new moon we do not see the moon at all. It is then in the same direction as the sun and so the lit side is away from us. A day or two after the new moon we start seeing a small part of the lit side as a thin crescent.

The first visibility of the crescent is sometimes of interest for religious or other reason. It can be seen low in the west after sunset one or two days after new moon. A Malaysian astronomer has worked out a good rule of thumb to estimate whether the crescent will be visible on a particular evening or not. At Sydney's latitude the time lag between sunset and moonset is at least 47 minutes." [1]

The above scientific statement is self-explanatory. Ever since my arrival in Australia in 1992, I have been closely watching and keeping a record of the state of affairs of the Muslim community in Australia in regard to the moon sighting and the inexplicable decisions taken by various Religious leaders (Imams) at the time of two Eids each year.

[1] Sydney Sky Guide, 1997 P.28

C Moon sighting reports 1993-1996

Following is the report for years 1993-96 based on my observation.

YEAR 1993

1 Ramadān was commenced on 23-2-93.
Which required the moonsighting for the evening of 22-2-93.

Following is the scientific data for the moon on that evening.

NEW MOON TIME:	12:05AM
SUNSET TIME	7:40PM
AGE OF MOON AT SUNSET:	19 HR 35 MIN
MOONSET TIME:	7:40PM
DIFF. BETWEEN SUNSET & MOONSET:	NIL

Kindly think how correct it was to decide to commence Ramadān on 23-2-93 while there was no time difference between sunset and moonset on 22-2-93. No scientist can agree that the moon was visible on that evening when there is no time difference between the sunset and moonset.

2 Eid-ul-Fitr was celebrated on 25-3-93.

Let us go through the astronomical data about the moon. Following are the data for the moon on 23-3-93.

NEW MOON TIME:	5:14PM
SUNSET TIME:	6:03PM
AGE OF MOON AT SUNSET TIME:	49 MIN
MOONSETTIME:	5:40PM
DIFF BETWEEN SUNSET & MOONSET:	MINUS(-)23 MIN

The data of the moon on the evening of 24-3-93 should determine the celebration of Eid-ul-Fitr on 25-3-93. It is given below.

SUNSET TIME:	6:02PM
AGE OF MOON AT SUNSET:	24 HR 48 MIN
MOONSET TIME:	6:09PM
DIFF. BETWEEN SUNSET & MOONSET:	07 MIN

The age of the moon on 24-3-93 was enough but the elongation was of 07 minute's equivalent to less than 2'. There should be at least 10-12' elongation for the visibility of the moon.

We celebrated Eid on 26-3-93 which was correct both from scientific point of view as well as Shari‘ah. The age of the moon on the evening of 25-3-93 was 48 hours and 46 minutes and the time difference between sunset and moonset was 41 minutes.

2 Eid-ul-Adhā was celebrated on 1-6-93.

Following are the data for the moon on the evening of 22-5-93 (11 days before).

NEW MOON TIME:	12.07AM
SUNSET TIME:	4:58PM
AGE OF MOON AT SUNSET TIME:	16 HR 51 MIN
MOONSET TIME:	5:24PM
DIFF BETWEEN SUNSET &MOONSET:	26 MINUTES

The age of the moon as well the difference between sunset and moon setting were nowhere near the optimum stipulated limits. I made phone contacts on that night throughout Australia but no one sighted the moon on that night. We declared Eid-ul-Adhā for 2-6-93 as the correct date from both scientific and Shari‘ah point of view.

YEAR 1995

4. Ramadān was commenced on 1-2-95.

Following are the data for the moon on 31-1-95.

NEW MOON TIME:	9:48AM
SUNSET TIME:	8:02 PM
AGE OF MOON AT SUNSET TIME:	10 HR 14 MIN
MOONSET TIME:	7:54 PM
DIFF BETWEEEN SUNSET &MOONSET	: MINUS(-)08 MINUTES

See the climax of ignorance! Ramadān was commenced when the moon set before the sunset. Islamic Association Western suburbs Sydney commenced Ramadān on 2-2-95 again correct according to Shari'ah as well as science. The age of the moon was 34 hours and 13 minutes and the difference between sunset and moonset was 32 minutes. The moon was seen at many places in Australia.

5. Eid-ul-Fitr was celebrated on 3-3-95.

Following are the for data the moon on the

evening of 1-3-95.

NEW MOON TIME:	10:48PM
SUNSET TIME:	7:33PM
AGE OF MOON AT	
SUNSET TIME:	MINUS(-) 03 HR 15 MIN
MOONSET TIME:	7:05PM
DIFF BETWEEN SUNSET	
&MOONSET:	MINUS(-) 28 MIN

It was absolutely impossible to sight such as moon. Even then the majority of the Muslims celebrated Eid on 3-3-95.

Following are the data for the moon on the evening of 2-3-95.

SUNSET TIME :	7:31PM
AGE OF MOON AT	
SUNSET TIME :	20 HR 43 MIN
MOONSET TIME :	7:40 PM
DIFF BETEEN SUNSET	
&MOONSET:	09 MIN

The time difference between sunset and moon set is 09 minutes, which is nowhere near the optimum time for visibility. We declared Eid on 4-3-95. From Shari‘ah point of view we completed 30 days fasting and from scientific

point of view the age of the moon on the evening of 3-3-95 was 44 hours and 42 minutes with elongation of 44 minutes.

6 Eid ul Adhā was celebrated on 10-5-95.

When the age of moon on 30-4-95 (11 days before) was 13 hours and 40 minutes and the elongation was 19 minutes only. These dates refute the sighting of the moon on that evening, we declared 11-5-95 for the celebration of Eid ul Adhā the age of the moon being 37 hours and 39 minutes and the elongation was of one hour and one minute on the evening of 10-5-95.

YEAR 1996

7 Ramadān was commenced on 22-1-96 while the age of the moon was 20 hours and 17 minutes and the elongation was of 17 minutes on the evening of 21-1-96. There was no question of sighting the moon on that evening. Some persons commenced Ramadan on 21-1-96 when the age of the moon was minus 3 hours and 42 minutes and the elongation was minus 34 minutes. Which science such person followed?

We commenced Ramadān on 23-1-96 very correctly.

8 Eid-ul-Fitr was celebrated on 20-2-96

When the age of the moon was only 9 hours and 15 minutes and the moonset was also 5 minutes before sunset on the evening of 19-2-96. IAWSS declared Eid on 21-2-96. The moon was sighted at different places and the age of the moon was 33 hours and 13 minutes and the difference between moonset and sunset was 37 minutes.

9 Eid ul Adhā was celebrated on 28-4-96.

For which it was necessary to sight the moon on the evening of 18-4-96. The age of the moon was only 8 hours and 40 minutes and the time difference between moonset and sunset was only 14 minutes on that evening which make the sighting of the moon impossible, we declared Eid ul Adhā on 29-4-96 very correctly.

1.5 The myth of Muslim Unity and Its Clarification:

The argument presented by a group of Muslims is that the sighting of the moon is sunnah and the Muslim Unity is Fard. Hence for the sake of unification, even if we have to keep fast on wrong day, we should do so. Even if we have to celebrate Eid on fasting day, we should do it for the sake of Muslim Unity. It looks very attractive and very catching slogans but we have to search for some verse from the Quran or some Hadith of the Prophet **(Sallallāhu 'Alayhi Wa Sallam)** which directs us to leave aside the obvious command of the Prophet **(Sallallāhu 'Alayhi Wa Sallam)** or Allah **(Subhānahu Wa Ta'ālā)** for the sake of Muslim Unity. If it would have been so, the problem would have been solved by accepting the myth of Muslim Unity.

But the fact of the matter is just the opposite.

Allah **(Subhānahu Wa Ta'ālā)** says in the Quran:

واعتصموا بحبل الله جميعا و لا تفرقوا .

'And hold fast the Rope of Allah together and don't bifurcate.' [1]

[1] Aal Imraan :103

In this verse the differences and grouping have been forbidden but not by throwing the Shari‘ah away but by confining in the domain of Shari‘ah. The Quran claims that the differences will crop up by abandoning Shari‘ah. Allah **(Subhānahu Wa Ta‘ālā)** says:

يآ أيها الذين آمنوا أطيعوا الله و أطيعوا الرسول و أولى الأمر منكم فإن تنازعتم فى شئ فردوه إلى الله والرسول إن كنتم تؤمنون بالله واليوم الآخر .

‘O ye who believe! Obey Allah and obey the messenger and then of you who are in authority; and if ye have a dispute concerning any matter, refer it to Allah and the messenger if ye are (in truth) believers in Allahand the Last Day. That is better and more seemly in the end.[1]

This verse clearly directs that the unity can be attained, not by leaving the Shari‘ah, but by following the Shari‘ah. There are many Ahādith which point out that there is no subjugation by disobeying Shari‘ah The Prophet **(Sallallāhu ‘Alayhi Wa Sallam)** says:

لا طاعة لمخلوق فى معصية الخالق

“No obedience to any creature for the disobedience of the Creator.”

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[1] Al-Nisaa’ : 59

Unity just for the sake of unity by abandoning Shari'ah is a deception of a highest degree Shari'ah does not condone such obnoxious behavior.

It is said that how the majority of Muslims are wrong and the minority is on the right track. It is imperative to follow each aspect of Islam to be on the truth. The Prophet **(Sallallāhu 'Alayhi Wa Sallam)** says:

لا تزال طائفة من أمتى يقاتلون على الحق .

"There will always be a group of my ummah who will be on the truth and will fight for the Truth." [1]

The Prophet **(Sallallāhu 'Alayhi Wa Sallam)** has not mentioned that the majority will be on the right path but just one group (may be minority). By proper study of the verses of the Quran and the Ahādith of the Prophet **(Sallallāhu 'Alayhi Wa Sallam)** it will be quite obvious that the consensus of the knowledgeable persons is required particularly of those who meticulously follow the Sunnah of our beloved Prophet **(Sallallāhu 'Alayhi Wa Sallam).**

[1] Muslim : 787

CHAPTER 3 - Difference of Horizons

1.1 Timing difference

A Whole world time cannot be same

How strange it is that our brothers who are advocates of science do not attach importance to the difference of Horizons. Whence moon is sighted at any place they consider as if the moon is visible everywhere in the world. Time is not the same for the whole world. When we are praying Zuhr in Australia, people in Saudi Arabia will be praying Fajr. We cannot perform Fajr prayers at Zuhr time by following Makkah Mukarramah's timing as the center of the Muslim world. No Mufti in the world will agree to it. There is a unanimous decree by Ulema that people should offer prayers according to their local timings. The same principle should be extended to Ramadān and the two Eids. When the moon is sighted according to the local time, the fasting be commenced and the two Eids should be performed.

The Grand Mufti of the Saudi Arabia Kingdom Sheikh Abdul Aziz bin Baaz has explicitly mentioned in one of his essays that the horizon of the whole world can never be one and therefore it is not correct to consider Makkah Mukarramah as the center for the whole world for the visibility of the moon. He says:

> "The issue of the Horizon Difference in relation to the visibility of the moon is controversial among some scholars. In a meeting of the scholars of Darul Iftā' after a long discussion it was passed with a big majority that the local visibility, because of the horizon's differences, should be adopted."

At the end of his essay the Mufti writes:

> "Some persons think that the decision about fasting and the two Eids should be taken by considering the visibility of the moon at Makkah Mukarramah as the basis. There is no base and no argument for this in the Holy Shari'ah." [1]

[1] Al Baathul Islami, ZulHijjah 1399AH

Allamah Muhiyy-ul-Din Nawawi writes:

> "This is the correct view of our scholars that the visibility of the moon at one place is not meant for all the Muslims in the world. It will be implemented only to the extent of the area up to which the prayer is not to be shortened (Qasr)." [1]

Allamah Ibn Rushd Andulusi writes:

> "All fuqahā' are unanimous that the moon sighting verdict for one city will not be applied to another far distant city, for example Hijaz (Saudi Arabia) and Andulusia (Spain): the sighting for one will not be applied for another." [2]

To cut short, for setting the issue of the local visibility of the moon, it is quite satisfactory to go through the following event that took place in the time of the companions of the Prophet **(Sallallāhu 'Alayhi Wa Sallam).**This event has been narrated by Imam Muslim in Sahih Muslim Shareef. The narrator is Kuraib **(Radhiyall āhu 'anhu):**

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[1] Muslim with Sharah Nawawi, 1/348
[2] Bidaayatul Mujtahid: 1/278

"I was sent by Ummul Fazal to Syria to Muaawiyah **(Radhiyallāhu 'anhu)** for accomplishing her task. I was there that the moon for Ramadan was sighted. I myself saw the moon in the evening of Friday. Then at the end of Ramadan I came back to Madinah Munawarrah. Abdullah bin Abbas **(Radhiyall āhu 'anhuma)**inquired about the sighting of the moon there in Syria. I informed that the moon was sighted on Friday night. Ibn Abbas then asked: Did you yourself see the moon on Friday night? I replied, "Yes and many besides me sighted the moon and they all commenced the fasting. Muaawiyah **(Radhiyall āhu 'anhu)** also commenced fasting.Then Ibn Abbas said But we sighted the moon on Saturday night and therefore we will keep on fasting till thirty days are completed or we see the moon. I said, "Don't you think the sighting of Muaawiyah **(Radhiyall āhu 'anhu)** is sufficient for your fasting. Ibn Abbas replied, "No. The Prophet **(Sallallāhu 'Alayhi Wa Sallam)** has ordered such as we are doing." [1]

[1] Muslim 1/348

Former judge of Makkah Mukarramah Allamah Abdullah bin Hameed wrote an excellent book regarding moon-sighting, the name of the book is: تبيان الأدلّة فى إثبات الأهلّة *"TIBYAANUL ADILLAH FI ITHBAATIL AHILLAH"* . He has quoted in this book a very valuable note from Shaikhul Islam Ibn Taymiyah regarding the difference of horizon:

> Shaikhul Islam Ibn Taymiyah says: It is a very clear evidence for the acceptance of the difference of horizon that verily we know that in the time of the *Sahabah* and *Tabi'een*, in some area the moon has been sighted before, while in other area the moon was not sighted because it is a natural system that in the west the moon has always been sighted before the east area, in this way there is no role for the times, there is no doubt that in the same month people use to get the news for moon-sighting, so if those people who had sighted the moon later they should make up the fasting which they had left because they had started the fasting a day later but there was no evidence that people make the *Qadaa'* for the fasting, and the other thing is that none of the elder in the past who use to

make effort during the month to get the news from other areas and give verdict to people to make up the fasting which they had missed, and then people should make the *Qadaa'* for the fasting usually in the month of Ramadan here and there, if it was the practice then we should get any evidence but we do not have any narrations about that from our elders.

Therefore, it is understood that in the time of the *Sahabah* and *Tabi'een* it did not happen, and same thing we come to know from the Hadith of Abdullah ibn Abbas.

B Difference of opinion of the Imam

It is equally true to say that all Imams do not agree on this issue. I would like to explore the opinions of the Imams on this issue in the following paragraphs:

VIEWS OF SHAWAAFI'

Some *Shawaafi'* says that difference of horizon is not accepted but majority of them say that it is accepted, thus Allamah Nawawi says that:

This is the correct view of our scholars that the visibility of the moon at one place is not meant for all the Muslims in the world. It will be implemented only to the extent of the area up to which the prayer is not to be shortened (Qasr). [1]

Allamah Nawawi further writes:

إذا رئى هلال رمضان فى بلد و لم ير فى الآخر ، فإن تقرب البلدان فحكمها حكم البلد الواحد و إن تباعدا فوجهان ، أصحهما : لا يجب الصوم على أهل البلد الآخر.

If moon has been sighted in one city and did not sight in other city, if both cities are close to each other then this moon-sighting would be implemented for both and if both cities are far from each other, for this there are two opinion but the most correct verdict is: It will not be implemented on each other. [2]

Shaikh Malibaari wirtes

و إذا ثبت رؤيته ببلد لزم حكمه البلد القريب دون البعيد و يثبت البعد باختلاف المطالع على الأصح .

[1] Muslim, Sharh Nawawi: 1/348
[2] Rawdhatul Taalibeen : CD

> And if moon has been sighted in one city this moon-sighting would be implemented for the near cities and will not be implemented for far cities and far distant would be considered as acceptance of horizon. [1]

VIEW OF MAALIKIYAH

There is a dispute among the *Malikiyah* on this issue, but the majority of them say that we do accept difference of horizon. Therefore the moon-sighting of one area will not be implemented for another area.

You have already read the judgment of Inb Rushd Undulusi that:

> "All fuqahā' are unanimous that the moon sighting verdict for one city will not be applied to another far distant city, for example Hijaz (Saudi Arabia) and Andulusia (Spain): the sighting for one will not be applicable for another. [2]

Also Allamah Hafiz Ibn Hajar Al-'Asqalaani has quoted the ruling of Ibn Abdil Bar that:

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[1] Fathul Mu'een : CD
[2] Bidaayatul Mujtahid: 1/178

All Maliki Imams have agreed that for far distant cities moon-sighting will not be applied for example Khurasān and Spain, the Sighting in Khurasān will not be applied to Spain. [1]

VIEWS OF HANAABALAH & AHNAAF

It is true to say that Ahnaf believe that the sighting of Hilal anywhere in the world is valid for the whole world.

The most popular view of the Islamic law experts of Hanabalah and Ahnaaf is that they do not believe in the concept of difference of horizon. In other words one moon sighting in any part of the world is good enough and hence applicable to the whole world.

There is no doubt that the above point of view is definitely mentioned in the Hanafi books of initial period.

[1] Fathul Baari: 4/123

C Clarification of the view of Ahnaaf

The fact of the matter is that those days the geographical knowledge of Islamic jurist (Fuqahā') was fairly limited in relation to vastness of the world, east / far east, west / far west etc. Many parts of the present world notably Australia, America and great number of Islands in the east and far east were discovered much later and hence out of their knowledge.
The modern scientific, cartographic and technological comprehensive information was not available to them. Note: for more details please read "Ghiyathul Lughaat Haft Aqleem, Map pages 404-405.

An interesting point worth mentioning is that Imam Abu Yusuf used to be addressed as the Imam of east and west which did not necessarily mean the Imam of the whole world. Such expressions and titles had limited connotations.

If the Islamic jurists of those days knew, what we know now, they would have realistically resolved the issue in favor of 'Difference of Horizon' which is most sensible and the only solution of the problem.

It is an established fact that it is the consensus of all Islamic jurists in favor of the physical moon sighting and totally rejecting the use of astronomical calculations for the commencement and the termination of a lunar month.

The time difference between two distant countries, for instance, Australia and North America, is approximately seventeen hours. This poses serious practical problems if we do not believe in the concept of 'Difference of horizon'.

D The view of later Hanafi scholar

Bearing this in mind many Islamic jurists of Hanafi school of thought later introduced the idea of the recognition and acceptance of the concept of 'Difference of horizon'. They also stipulated the guidelines to help solve the problems encountered in the preparation of the Islamic Calendar. The names of some of the famous Hanafi jurists are given below:

1. Allamah Fakhruddin Zail'i
2. Allamah Alaauddin Kasani
3. Mulla Ali Al-Qari
4. Shah Waliyyullah Muhaddith Al-Dahlwi
5. Allamah Shabbir Ahmed Usmani

6. Allamah Anwar Shah Kashmiri
7. Great Mufti of Pakistan Mufti Muhamad Shafi
8. Allamah Muhammad Yousuf Al-Binnori

Allamah Zail'i writes:

> The most suitable thing to do is that to accept the difference of horizon because every nation have got their own decree, and from the rays of the sun settlement of crescent will be changed in different places, (it cannot be same at all places) likewise the times of the Prayers are different in different places, therefore if sun has set in the East you can observe that sun will be shining in the West, same things are for dawn and sun set, in fact if the sun rises in one place, time of Fajr Prayers starts but at same time sun set some other place and some place half of night is gone. In fact the time revolves around the sun.

During the month of Ramadān if a person happens to be on the top section of a high minaret and he notices that the sun has not quite set whereas the sun has set if judged from the ground level. The matter was referred to Allamah Abu

Mussa Faqeeh. His verdict was that people at ground level will break the fast where as the person in minaret will have to wait until the sun is completely set. This is an example of 'Difference of Horizon' highlighted in the narration of Sayyidena Abu Kuraib **(Radhiyall āhu 'anhu).** [1]

Allamah Alaaouddin Kasaani writes:

> If the two cities are not far apart then the question of 'Difference of Horizon' does not arise. Positive sighting of Hilal in one city is quite applicable to another for all religious purposes. However this rule is not applicable to cities which are too far away from each other. [2]

Allamah Mulla Ali Al Qari Writes:

> Fasting in Ramadan becomes obligatory for people living in a particular area/city which is subject to positive sighting of the Hilaal in that area. The inhabitants of other places/cities with distinct 'Difference of Horizon' are obliged to follow the moon sighting at their respective places and cities. When the sun begins to decline or

[1] Tabyeanul Haqaaiq : 1/321
[2] Badaaiul Sanaai' : 2/83

set, then only the people living in that area/city perform Zuhr or Maghrib prayer, as the case may be. These prayer timings do not apply to all regions/cities. The author of the book Al – Tahreer and other scholars have accepted the concept of 'Difference of Horizon'. [1] Shah Waliyyullah Muhaddith Al-Dehlawi has also accepted the differences of horizons in his bookAl-Musaffaa, Sharh Al-Mu'atta: 1/226

Shaikul Islam Allamah Shabbir Ahmed Usmani writes:

The concept of 'Difference of Horizon' is very much valid for those regions where date wise there is usually a difference of more than one day between them. It is explicitly mentioned in Ahādith that the lunar month can either be of 29 days or 30 days - neither less nor more. It is our religious duty to meticulously ensure that practices are strictly in accordance with the sunnah of our beloved Prophet Mohammed **(Sallallāhu 'Alayhi Wa Sallam).**

[1] Sharh Al- Niqāyah: 1/172

> In the light of the above explanation by Allahmah Usmani the moon sighting in Saudi Arabia, Egypt and Syria, or in other distant countries, is not valid for Australia at all.[1]

Allahmah Anwar Shah Kashmiri writes:

> We do not have any option but to accept the verdict given by Allamah Zail'i in order not to face serious calendarical problems such as the number of days in a month may vary from 27 to 31 or even 32 days. For instance the moon sighting in Qustuntuniah in Turkey is quite possible two days before the moon sighting in the Indian sub continent. If we go by their moon sighting then we will have to celebrate Eid two days earlier than the expected date for Eid in the Indian subcontinent. [2]

I have quoted few Hanafi scholars views there are many other scholars who have expressed the same opinion. These scholars are Hanafi and they do accept the difference of horizons.

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[1] Fathul Mulhim : 3/113
[2] Al –Urful- Shadhi: 303

1.2 Moon sighting in the Western countries will not apply to the Eastern countries:

Moon sighting in the Western countries will not apply to the Eastern countries. It is true to say that if the moon (Hilāl) is sighted in the Eastern countries, it would have been sighted for sure in the Western countries. It is equally true that if the moon is sighted in the western countries does not necessarily mean that it will also be sighted in the Eastern countries. For example if the moon is sighted in Makkah Al Mukarramah (Saudia Arabia) does not necessarily mean that it will also be sighted in Australia. The time difference of seven hours plays a key role and this will make a difference of at least one day between the two countries.

Shaikhul Islam Ibn Taymiyah writes:

> His verdict regarding moon sighting is totally in conformity with the explanations given above. He says that the possibility of sighting the moon becomes strong in the West as compared to the East for the simple reason that the sun sets later in the

> West facilitating the moon to be visible more easily than in the East. [1]

Allahmah Abdullah Bin Hameed, the former judge (Qazi) of Makkah Mukarramah writes:

> It is a fact that the time of declination of the sun varies from place to place. Similarly the visibility of the moon (Hilāl) will be at different times based on the principle of the 'Difference of Horizon'. In the East the moon is hidden in sun's rays and as the sun gradually moves towards West, the existent moon gets out of the bound of sun's ray making it to be visible easily. [2]

From all the above explanations I would say we should accept the concept of difference of the horizons.

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[1] Fatwa Shaikhul Islam Ibn Taymiyah
[2] Tibyaanul Adillah :28

1.3 Whole country is one horizon

Those who believe that the people living in Sydney and its suburbs should follow the local moon sighting and should not explore the possibility of sighting the moon in other states of Australia such as Northern Territory (Darwin, Alice Springs etc) , Western Australia (Perth , Jeraldton, Broome etc). The simple answer to this question is that the Islamic jurists/scholars' verdict is to consider the whole country under one horizon for the purpose of moon sighting.

In connection with the difference of horizon, Allamah Hafiz abn Hajr 'Asqalaani has quoted the words of 'Allamah Ibn Al-Majishoon that :

> "If the ruler is satisfied with the local moon-sighting, he can announce within his country to everyone to follow that moon-sighting, because in the sight of the ruler the whole country is like one city therefore his order will be followed in whole country. [1]

[1] Fathul Bari: 4/123

Allamah Shokani has expressed a similar opinion in his book:

> These days most of the countries regardless of them being small or big, follow this verdict. For Example the distance between Makkah Mukarramah and Riyadh is 940 km, but Saudi government accepts the sighting of Makkah Mukarramah for Riyadh and vice versa. The sighting of the moon in Karachi (Pakistan) will be acceptable for Peshawar (Pakistan) and the sighting of the moon in Delhi (India) will be acceptable for Calcutta (India). Likewise the sighting of the moon in Sydney will be acceptable for Perth and vice versa and will be valid for the whole of Australia. That is what exactly our current practice is. [1]

[1] Nailul Awtaar: 4/205-6.

1.4 The common doubt on the 30th Moon and its clarification

These days those people who by chance, happen to sight the Hilāl on the 30th of a particular month, they immediately come to conclusion that it must be at least, of the first day of the following month.

The obvious question is – Did they make any effort, whatsoever, to sight the Hilāl on the 29th of the month under consideration? If their answer is not in affirmative, then they do not really know what they are talking about. They do not seem to have basic astronomical knowledge with regard to the "New Moon" and the optimum conditions required for its physical sighting at a particular geographical location. The fact of the matter is that from the Shari'ah point of view, all efforts must be made to sight the Hilāl on the 29th of each and every month. This is the ONLY criterion either to commence/terminate a particular month or to complete 30 days, whatever the case may be.

It is very important to note that the size of the Hilāl (thickness or thinness) and the time it takes to set, besides other influencing factors, is invariably governed by its age from the NEW

MOON TIME as well as the time difference between moonset and sunset. We have to bear in mind that Hadith strictly forbids anyone to speculate and pass such comments on the topic of Hilāl sighted on the 30th day.

Imam Muslim has quoted the following narrative of Hazrat Abul Bakhtari :

We were on the way to Makkah to perform 'Umrah', and when we arrived in BATN NAKHLAH, we sighted the moon and it was thick in size. Some of us said that it could be of the 30th day or could be of the 1st or 2nd day of the following month. When we met Hazrat Abdullah Ibn Abbas (R.A), we expressed our views regarding the moon. Abdullah Ibn Abbas then asked "When did you see the moon?" After hearing their statement he narrated a Hadith; "The Prophet **(Sallallāhu 'Alayhi Wa Sallam)** said that ALLAH **(Subhānahu Wa Ta'ālā)** has made the moon to be seen (as crescent/Hilāl), therefore the Hilāl you saw was indicative of the start of the next month."[1]

[1] Muslim 1/248

1.5 The Fasting on doubtful day (30th Sha‘bān)

In a doubtful situation, some people believe to be on the safe side, it is better to fast on the 30th of Sha’bān. In the light of the following Hadith one should not do so.

Hazrat Ammaar Ibn Yaasir (Radhiyall āhu ‘anhu) narrated:

من صام يوم الشك فإنه قد عصى أبالقاسم

“He who kept fast on a doubtful day, indeed he disobeyed Abdul Qasim” [1]

Hazrat Abu Bakr Ibn Abi Shaibah narrates:

“Once on a doubtful day (30th Sha’bān), some people brought roasted meat and they started eating it except one person who said that he was fasting. Hazrat Ammaar Ibn Yaasir said to that person “If you do believe in ALLAH **(Subhānahu Wa Ta‘ālā)** and the Day of Judgement then come and join us in eating meat. [2]

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[1] Al-Bukhari: 1/348
[2] Musannaf Ibn Abi Shaibah: 3/72

Hazrat Abdullah Ibn Umar **(Radhiyall āhu ‘anhuma)** used to say: “Even if I fast the whole year-I will never Fast on a doubtful day (30th Sha‘bān)”. [1]

Just imagine how careful and meticulous the Companions of the Prophet **(Sallallāhu ‘Alayhi Wa Sallam)** were in the implementation and the practice of the Hadith.

Fasting on a doubtful day is a gross violation from the point of view of another Hadith which says clearly that ‘In the event the moon (Hilāl) is not sighted on the 29th day, complete 30 days of the month’.

[1] Musannaf Ibn Abi Shaibah: 3/71

CHAPTER 4 - Fixing Eidul Adhaa on the next day after the day of Arafah

1.1 Fixation of Eid ul Adhā

A Following the pilgrims in offering sacrifice

These days, some people present their views in a very attractive and appealing manner that the pilgrims, who are thousands of miles away from us, are performing Hajj and offering ritual sacrifice**,** the Muslims all over the world should join them in offering ritual sacrifice the same day as they do over there.

Now the question which arises here is: Is there anything in Shari'ah to prove that we should follow the pilgrims in offering sacrifice?

The answer to this question is that there is no proof in Shari'ah that we should follow the pilgrims in offering the sacrifice. The Holy Quran and the Prophet **(Sallallāhu 'Alayhi Wa Sallam)** do not say anything about this issue. If there is any Hadith, kindly let us know. If not and we are 100% sure that there is no Hadith regarding this

issue, then why do these people mislead Ummah and create division among the Muslims?

I would like to quote here the opinions of the contemporary scholars on this issue.

B The opinion of the scholar in that issue

The following opinions are published by Dr. Khalid Shaukat, (who is regarded as the Moon-sighting Man by his friends. He is a scientist/engineer involved in research work in science and engineering since 1967. He has also studied at an Islamic school in India learning Arabic, Quran. Hadith, Fiqh, and Tajweed), on his famous website: www.moonsighting.com, in 2005.

Question: 1.

Because of some personal circumstances we moved to Pakistan, where a lot of things are different, such as the time of prayer, etc. I want to ask you: I am keen to fast on the day of ‘Arafah, but the Hijri date in Pakistan is different from the date in Saudi: when the date in Pakistan is the 8th of the month, it is the 9th in Saudi. Should I fast

on the 8th – which is the 9th in Saudi – or should I fast according to the date in Pakistan?

Answer:

Praise be to Allaah.

Shaykh Ibn ‘Uthaymeen (may Allaah have mercy on him) was asked: what if the day of ‘Arafah is different because of the moon being sighted at different times in different countries? Should we fast according to the moon sighting in the country where we are or according to the moon sighting in al-Haramayn (the two Holy Sanctuaries)?

He replied: This is based on a difference of opinion among the scholars: Is there only one moon sighting for the whole world or does it vary according to when the moon rises in different places?

The correct view is that it varies according to when the moon rises in different places. For example, if the moon is sighted in Makkah, and today is the ninth, and it is sighted elsewhere one day before Makkah, and the day of ‘Arafah in Makkah is the tenth for them, it is not permissible for them to fast on this day because it is Eid.

Similarly if it so happens that they sight the moon after Makkah, and the 9th in Makkah is the 8th for them, then they should fast the day that is the 9th for them, which is the 10th in Makkah. This is the correct view, because the Prophet **(Sallallāhu 'Alayhi Wa Sallam)** said: "When you see it (the new moon) fast and when you see it break your fast." Those who did not see the moon in their own location have not seen it. Just as people are unanimously agreed that the times for dawn and sunset vary according to their own location, so too the months are also worked out by location, just like the daily timings. (*Majmoo' al-Fataawa*, 20.)

And he (may Allaah have mercy on him)was asked about some people who worked in the Saudi embassy in a foreign country, who said that they were having a problem concerning the fast of Ramadaan and the fast on the day of 'Arafah. The brothers there had split into three groups:

One group said: we will fast with Saudi and break the fast with Saudi.

Another group said: we will fast with the country where we are living and break the fast with them.

The last group said: we will fast Ramadaan with the country where we are living, but we will fast the day of ‘Arafah with Saudi.

They asked the Shaykh to provide them with a detailed answer concerning the Ramadaan fast and fasting the day of ‘Arafah, whilst noting that for the past five years, in the country where they were living neither Ramadaan nor the day of ‘Arafah had been observed on the same days as in Saudi; their Ramadaan started one or two days after it had been announced in Saudi, and sometimes three days after.

He replied:

In the name of Allaah , the Most Gracious, the Most Merciful.

The scholars (may Allaah have mercy on them) differed concerning the issue when the moon is sighted in one part of the Muslim world and not in another: do all the Muslims have to act on the basis of that, or only those who sighted it and the people who live in the same region, or only those who sighted it and the people who live under the same government? There are many different points of view.

The most correct view is that the matter should be referred to those who have knowledge of it. If the moon rises at the same point for two countries they become like one country, so if it is sighted in one of them that ruling applies to the other. But if the rising points differ, then each country has its own ruling. This is the view favoured by Shaykh al-Islam Ibn Taymiyah (may Allaah have mercy on him); this is the apparent meaning of the texts of the Qur'aan and Sunnah and what is implied by analogy.

In the Qur'aan it says (interpretation of the meaning):

"So whoever of you sights (the crescent on the first night of) the month (of Ramadan i.e. is present at his home), he must observe Sawm (fasts) that month, and whoever is ill or on a journey, the same number [of days which one did not observe Sawm (fasts) must be made up] from other days. Allaah intends for you ease, and He does not want to make things difficult for you. (He wants that you) must complete the same number (of days), and that you must magnify Allaah [i.e. to say Takbeer (Allaahu Akbar: Allaah is the Most Great)] for having guided you so that you may be grateful to Him" [al-Baqarah 2:185]

What is implied by this verse is that whoever does not see it is not obliged to fast.

In the Sunnah, the Prophet **(Sallallāhu ‘Alayhi Wa Sallam)** said: “When you see it (the new moon) then fast, and when you see it, break your fast.” What is implied by this hadeeth is that if we did not see it we are not obliged to fast or to break the fast.

With regard to analogy, the times for starting and ending the fast each day should be worked out in each country on its own, according to the local times of sunrise and sunset. This is a point on which there is scholarly consensus. So you see the people in east Asia starting their fast before the people of west Asia, and breaking their fast before them, because dawn breaks for the former before the latter, and the sun sets for the former before the latter.

Once this is established with regard to the times for starting and ending the daily fast, it also applies to the start and end of the monthly fast. There is no difference between them.

But if many regions come under the same government, and the ruler gives the command for the fast to start or end, then his command must be

followed, because this is a matter of scholarly dispute but the command of the ruler dispels that dispute.

Based on the above, you should fast and break your fast along with the people of the country where you are living, whether that is in accordance with your country of origin or not. Similarly on the day of ‘Arafah you should follow the country where you are living.

Written by Muhammad al-Saalih al-‘Uthaymeen, 28/8/1420 AH.

***(Majmoo’ al-Fataawa*, 19)** **Islam Q&A (www.islam-qa.com)**

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2. Determination of Eid al-Adha

(Justice Maulana Mufti M. Taqi Usmani)

[This article is included here for academic interest only. This year (1421 AH), The Shura Council of North America (which includes ISNA) has unanimously agreed to base Eid al-Adha determination on local moonsighting in North America. This welcome decision should end all controversy on this subject and bring about the same unity on Eid al-Adha that we have been witnessing on Ramadan and Eid-ul-Fitr.

Historical Note: A few years ago Islamic Society Of North America (ISNA) had widely circulated a paper regarding determination of Eid al-Adha. It strongly suggested that all over the world Eid al-Adha determination should follow the announcement of Hajj dates in Saudi Arabia. Here is a scholarly evaluation of that claim by Mufti Taqi Usmani.]

I have gone through the article of ISNA and with the utmost respect for their sentiment for Muslim unity, I am forced to say that the view expressed in the article (Eid al-Adha on next day of Arafat) is in total disagreement with the teachings of

Quran and Sunnah, and with the Shari'ah position recognized throughout the centuries. This is an unprecedented view which has never been adopted by any of the Muslim jurists during the past 1400 years, and it has a number of intrinsic defects and anomalies, some of which are summarized here.

1. The article admits that the celebration of Eid al-Fitr should be tied to the sighting of the moon in each country and should not be linked with the celebration of Eid al-Fitr in Saudi Arabia. At the same time, however, the article calls for celebration of Eid al-Adha according to the Saudi Calendar regardless of the local dates, which means Eid al-Adha will be celebrated in North America on 8th or 9th of Zul-Hajjah. It is thus clear that the theory proposed in ISNA's article is impractical.

2. The article has laid much emphasis on the concept of unity of the Muslim Ummah, which no one can deny. At the same time, however, one must appreciate that unity does not mean that the entire Muslim Ummah throughout the world should perform their acts of worship at one and the

same time, because it is physically not possible. It is evident that when people in Saudi Arabia are performing their Fajr prayers, those in North America may still have not completed their Isha prayers of the previous day. Similarly, when Muslims in Los Angeles offer their Fajr prayers, those in India and Pakistan are offering their Maghrib or Isha prayer of the same day.

3. If it is made obligatory on all the Muslims in the world to offer their acts of worship at one and the same time for the sake of unity, such unity can never materialize (because of the time differences). It is, therefore, obvious that offering one's acts of worship at different times do not affect the concept of Muslim Unity.

   What does the Muslim unity mean?

   It means that all Muslims should treat each other with brotherly sympathy and affection and should not spread disorder and dissention among them. Nor should they invent new ideas foreign to the teachings of Quran and the Sunnah which

may lead to division and conflict among Muslims.

It is also astonishing that the article views the celebration of Eid al-Adha on different days as being against the concept of Ummah while in the matter of celebration of Eid ai-Fitr, this concept is dispensed with. If the celebration of Eid al-Fitr on different days does not affect the concept of unity, how can it be said to harm unity in the case of Eid al-Adha.

4. It is true that Eid al-Adha falls immediately after the day of Arafat in Saudi Arabia, but it is not necessary that the Muslims in every country should follow the same dates in their respective areas. Hajj, no doubt, is tied with a particular place but the celebration of Eid al-Adha is not confined to that place alone. It is celebrated everywhere in the world and cannot be tied to the Saudi calendar.

5. The article admits that the celebration of Eid al-Adha in other countries was never linked with its celebration in Saudi Arabia throughout the past 14 centuries. This, the

author's claim was because of a lack of communication facilities. With vastly improved communication today, they argued that everyone almost anywhere can find out the day of Hajj, and should celebrate Eid al-Adha based on Saudi calendar.

There is a clear admission in this argument that it is not obligatory according to Quran or the Sunnah to celebrate Eid al-Adha according to Saudi calendar. Had this been so, Muslims would have tried their best to find the exact date of Hajj in Saudi Arabia. It is not correct to say that it was not possible in those days for people living outside Saudi Arabia to know the exact date of Hajj, because this date is normally determined on the first night of Zul-Hijjah. There is a nine day period until Eid, which is more than sufficient to acquire this information. However, no jurists has ever stressed that such information be collected in order to celebrate Eid al-Adha according to Saudi dates.

Further, if the argument of the article is accepted and it is held that the real

intention of Quran and Sunnah was to link the celebration of Eid al-Adha with the Saudi dates, as a mandatory provision for all Muslims in the world, it means that the Shari'ah has stressed a principle which was not practical for 1300 years. It is not against the Quranic declaration that Allah does not make a thing mandatory unless it is practical for the human beings.

If the authors argue that the celebration of Eid al-Adha was not linked with the dates in Makkah in the past but it has become a mandatory requirement of the Shari'ah now, then the question arises, who has abrogated the previous principle and on what basis? There is no provision in Quran or the Sunnah which orders the Muslims to celebrate Eid al-Adha according to their local dates up to a particular time and to link it with the dates in Makkah thereafter. Whoever considers this and similar questions arising out of this unprecedented theory advanced in the article can appreciate its fallacy.

6. Finally, I would like to inform you that the question of sighting the moon for each

lunar month including Zul-Hijjah was thoroughly discussed at the annual sessions of the Islamic Fiqh Academy (held in Jordan, October 11-16, 1986) attended by more than a hundred outstanding scholars of Shari'ah. The academy adopted the resolution recommended that all Muslim countries should determine all the lunar months including Zul-Hijjah on the same basis for both Eid al-Fitr as well as Eid al-Adha.

This resolution represents the consensus of Muslim jurists throughout the world. The proposal contained in the ISNA article, however, goes totally against this consensus.

Before parting with the subject, I would like to emphasize that such unprecedented proposals can never advance the cause of Muslim unity. Rather, they may create a new point of disunity and dissention among Muslims. Before venturing such opinions as definite "Fatwa", these should be discussed at some responsible international forum of contemporary Muslim jurists like

the International Islamic Fiqh Academy in Jeddah.

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3 Message from the ulema council of north America and the committee for crescent observation

The Ulema Council of North America and the Committee for Crescent Observation Intl. confirms that the correct date of Eid al-Adha in N. America and most of The world is Friday, Jan. 21, 2005.

UCNA and CFCO both support ISNA and ICNA's decision to announce Eid on Friday, Jan. 21. It is what the Qura'n says, and how the Messenger (S) did. It is how the Ummah had been doing for the last fourteen hundred years.

There is no support in the Qura'n or the Sunnah that the Muslims all over the world have to follow Saudi fixed Hajj date for Eid al-Adha.

Eid al-Adha is fixed by the Hilal of D. Hijjah, as the Messenger (S) did from the second year of Hijra when he instituted the two Eids.

The Hilal of D. Hijja is like any other Hilal of any Islamic month. This year Saudi authorities have transgressed all boundaries. They declared Eid aL-Fitr on Nov. 13, 2004 and now Eid al-Adha on Jan. 20, 2005. In both cases they claim that a Hilal was seen by witnesses.

A Qadi must decide by the facts (Yaqin), and not by whims (Zann). In the evening of Jan. 10, 2005, like Nov.12, 2004 the INVISIBLE moon had set BEFORE the sunset. If not two but two million Saudi witnesses had claimed to have seen D. Hijja crescent AFTER the sunset on Jan. 10, 2005 they should be rejected.Whatever they saw was not Hilal, as there was no moon to see AFTER sunset. Monnset BEFORE the sunset is a FACT, and witness accounts are whims (Zann). The Qur'an makes it clear that Zann has no value when facts are established.

We support ISNA's stand to keep Friday, Jan. 21 as the day of Eid, though the Saudis against their earlier announcement changed Hajj date.

May Allah bless the Ummah for following His words. (Ameen)

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4. The Saudi Hajj Decision Rifts American Muslims

(Dr. Mohammad A. Auwal)

According to Arab News (Jeddah, January 15, 2005), Sheikh Abdul Rahman Al-Sudais, the imam of the Grand Mosque in Makkah has urged Muslims to unite to alleviate suffering of Muslims worldwide. I appreciate this call as it speaks to the hearts and minds of Muslims everywhere. Unfortunately, however, his country's incredible decisions are doing just the opposite—dividing Muslims even on the matters of worship in which there is universal agreement.

I am referring the recent Saudi decision about that Day of Arafat (the main day of the Hajj) as well as the day of Eid ul Adha (Festival of Sacrifice) and the rift and pain it has caused among Muslims especially in North America.

Earlier, the Saudi Hajj authority and the Moon Sighting Committee of the Islamic Society of North America (ISNA), an umbrella organization for North American Muslim organizations, declared that January 12, 2005, would be the beginning of the Zul Hijjah (12th month of the Hijri calendar), and accordingly, Eid ul Adha would be celebrated on January 21, 2005 (Friday).

On January 14, however, the Saudi authority stunned us by announcing that the Day of Arafat would be January 19 and the Eid ul Adha on January 20. The Saudi authority reportedly advanced the Eid celebration by one day based on moon sighting claims by two persons on January 10. But astronomical data make their claims clearly unbelievable.

As reported in www.Moonsighting.com, on January 10 it was impossible for anyone to see the new moon anywhere on earth except possibly in Chile and Polynesian islands. The new moon was born at 12:03 Universal Time on that day and was barely 3 hours old in Saudi Arabia where it set 3 minutes before the sunset.

Put simply, if a trace of the new moon is sighted in Saudi Arabia, we in the North and the West coasts of the U.S. should be able to have a better view of that moon because we are ahead of the Saudis in its growth trajectory. Nobody has reported sighting the moon on January 10, 2005 anywhere on earth. So, ISNA has found the Saudi moon sighting report unbelievable and stuck to its earlier decision to celebrate the Eid on January 21.

But many American mosques are ignoring the ISNA decisions and blindly following the Saudi decision ironically in the name of global Muslim unity.

I have noticed since the early 1990s how decisions on Ramadan and the Hajj dates taken in Makkah divide and create conflict among Muslims in the U.S. In one year (possibly 1992), we celebrated the Eid ul Fitr over three days during which we experienced an unnecessary cold war within the community. After that, for several recent years, ISNA followed the Saudi decision in the interest of unity among Muslims. But finally, the ISNA woke up to the folly of that decision.

The folly is that those who claim to have sighted the moon well ahead of its astronomical visibility (established by credible astronomers) are either lying or making a mistake. This is what an eminent Egyptian-American Muslim astronomer pointed out at a Southern California MAYA (Muslim Arab Youth Association) conference in the late 1990s (I don't recall the exact year), after demonstrating the scientific determinism with which astronomers can predict the movement cycle of the moon.

This year's Saudi claim of sighting the new moon when none in the world has seen it is like telling us to believe that the broad daylight that we see with our naked eyes is dark and deep midnight.

This is not the first time the Saudi authorities have unilaterally declared the date of the Yaomul Arafah (the Day of Arafat) and the day of Eid (alt. spelling 'Id) based on astronomically incredible sighting of the moon. In fact the Saudis are almost always one day ahead in declaring the Ramadan, Eid ul Fitr, or Eid ul Adha.

Those who accept the Saudi decision without critical sensemaking argue that the Eid has to be celebrated worldwide on the day after the Day of

Arafat. But chronologically, Muslims in the time of Prophet (SA) began to celebrate Eid ul Adha in Medina before they could actually perform the hajj, which means that there is no conditional link between the two.

In addition, throughout the fourteen hundred years, until the late 20th century, Muslims in the rest of the world, even those who lived just a couple of hundred miles away in Medina, did not hear from the Makkans about the exact day of Arafat or the Eid. They celebrated the Eid, as the Prophet (SA) instructed, based on their own local sighting of the crescent moon. This tradition of the Eid celebration is still valid in the many Muslim countries. Muslims in Bangladesh, for example, are celebrating this Eid on January 22, 2005 (Saturday), two days following the Saudi celebration.

Today technology has brought us physically closer together. We watch the performance of the rites of the Hajj as they take place in Makkah on television and feel inspired to synchronize our celebration with the Makkans'. But this is historically untrue and logically or theologically questionable.

The Saudi authorities who make the key decisions and those who illogically follow them have to keep in mind that their actions are drifting the already fractured Muslim community further apart.

There is a way out of this mess we are in, and that is called shura or consultation in Islam. The Saudi authorities have to wake up and consult the voices of reason—international Muslim scholars and scientists—before repeating these mistakes and thus further creating disunity among Muslims. We, the Muslims in North America too have to wake up and see how our sincere but rash actions are fracturing us further as a community.

Dr. Mohammad Auwal, Associate Professor of Communication Studies at California State University, Los Angeles.

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5. Determination of the proper date to celebrate *Eid al Adha*

An excerpt from the chairman's Message in The Community News, a newsletter published by TARIC *volume 107, March 8, 2000*

According to a *hadith* [tradition of the Prophet Muhammad peace be upon him (pbuh)] narrated by Ibn 'Umar, "On the *Day of Nahr* (10th of *Dhul-Hijja*), the Prophet stood in between the *Jamrat* [where the symbolic lapidation of Satan in Mina took place] during his *Hajj* which he performed and said, "**This is the greatest Day** (i.e. 10th of *Dhul-Hijjah*)." The Prophet started saying repeatedly, "**O Allah! Be Witness** (I have conveyed Your Message)." He then bade the people farewell. The people said, 'This is *Hajjat-al-Wida.'* [a farewell]"

When *Hajj* approaches, well-meaning Muslims will again raise the perennial argument about unity in the Muslim *Ummah* [community]. We will inevitably hear that *Hajj* is for the *Hajjis* [those who are performing the *Hajj* in Mecca], and we must celebrate *Eid ul Adha* on the day that they are observing it, and if we don't that would be tantamount to saying that the *Hajjis* performed their ritual on the wrong day. The TARIC Islamic Centre, the Hilal Committee of Greater Toronto and the many thousands of organizations in North America, South Asia, South Africa and Australia may celebrate *Eid ul Adha* on the 10th of *Dhul Hijjah* which may not coincide with the Saudi

authorities, but is the *sunnah* [custom or practice] of Prophet Muhammad. The *bida* [perverse innovation] is to ignore the local sighting of the moon and seek out the moon's position in another locality so that one may perform an *ibadat* [worship or service to God]. It is analogous to phoning someone in Halifax to determine if the sun has set so that we in Toronto can perform *salat ul maghrib* [the sunset prayer].

Let us ask ourselves: "What is "*Eid ul Adha*"? According to many authentic *ahadith* [traditions the the Prophet] the Messenger (pbuh) asked Muslims to celebrate the two *Eids* in the second year after reaching Medina. When the Messenger (pbuh) arrived in Medina, he said: "**You had two feasting days. Allah has replaced them with two better ones: the day of Fitr** (breaking fast) **and the day of 'Nahr'** (sacrifice). **"** The *Hajj* was made obligatory on Muslims nine years later so that, although the sacrifice on the 10th. of *Dhul Hijjah* is associated with the Hajj it predates it and is not dependent on it. The important question for us in Toronto, [Canada] therefore, is: "*is Eid ul Adha the tenth of Dhul Hijjah wherever you are, or is it the day after the Hajjis have stood on Arafat?"* They are not the same. In the year 2000, the moon of *Dhul Hijjah* was sighted in Toronto

during the evening of March 7. Since Saudi Arabia is eight hours ahead of us, and since the possibility of seeing the moon becomes greater as one travels west, let us assume that the moon was not seen in Mecca on the evening of March 7, but instead a day later on March 8. For us, the 10th of *Dhul Hijjah* was Friday March 17, but for Saudi Arabia, it should be on Saturday, March 18 [they actually celebrated it in Saudi Arabia on Thursday, March 16, 2000]. Would those who are postulating so-called 'unity' urge us to then ignore our own moon sighting and our own calendar and delay *Eid ul Adha* by one day in order to correspond with the *Hajj*? With a change in the Saudi regime, they could possibly revert to actually sighting the moon rather than calculating. We await the proposals of the "*Eid ul Hajj*" propagators, if and when this happens Insha Allah.

The Prophet (pbuh), according to Tirmidhi, stayed in Medina ten years offering his sacrifice. The Messenger (pbuh) sacrificed on the tenth day in Medina. (Sunan Baihaqi). The Prophet and the Muslims followed this tradition of sacrificing on the tenth day of *Dhul Hijjah* in Medina, or wherever they were, on the 10th day. As Muslims, our worship is based on what we are told by Allah

Subhanahu wa ta'aala [may He be Glorified and Exalted] in the Qur'an and what was practised by the Prophet (pbuh). The *sunnah* of the Prophet (pbuh) was to determine the day of *Eid ul Adha* as the 10th of *Dhul Hijjah*. This was determined by the Prophet (pbuh) sighting of the crescent wherever he was on the 29th or 30th of *Dhul Qa'dah*. If, as we are told by those postulating the 'Day after Arafat' position, that *Eid ul Adha* is dependent on the *Hajj* date, then why did the Prophet (pbuh) make no effort to ascertain the *Hajj* dates in Mecca for his *Eid* celebration in Medina? After the conquest of Mecca in the seventh year of the *Hijra* [the year of immigration from Mecca to Medina which marks the beginning of the Islamic calendar] there would have been no problem in finding out when the *Hajj* was going to be since there would be ten days for a rider to travel to surrounding areas with the glorious news. The Messenger of Allah (pbuh) made no attempt to know, or to inform the Muslims in the areas around Medina about when the *Hajj* was in Mecca. Every Muslim community prayed according to its own sighting of the crescent of *Dhul Hijjah.* **Accordingly, all the scholars of Islam are unanimous that *Eid ul Adha* is on the 10th of *Dhul Hijjah* which is determined by the sighting in each locality, and**

NOT ON THE 10th OF *DHUL HIJJAH* IN MECCA. It is a *bida* to try to impose a Vatican-like dogma on the Muslim *ummah,* although the propagators would tell you that they are simply following a 'universal horizon.' Don't be fooled. In Ramadan of 1999 it was claimed that the moon was seen in Yemen and Libya, and the Muslims of those countries began fasting on December 8, 1999. Those who claim to accept any sighting anywhere in the world conveniently ignored those Muslims, opting for the 'universal sighting' of their choice. The Companions of the Prophet (pbuh) opposed every attempt to impose the moon sighting in one town over the others, even in close proximity, when it was not seen on a clear horizon, or when the horizon was cloudy on the 29 day of the Islamic month.

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6. Message for dhul hijjah & 'Eid al-'adha (*From Zaytuna Institute*)

With sightings of the crescent for Dhul Hijja here in the Bay area on Tuesday, January 11, 2005,

and indeed throughout North America, Zaytuna Institute is pleased to announce to all of our friends and supporters that ‘Eid al-‘Adha here in North America will be on Friday, Jan 21, 2005. As we have done for Ramadan and ‘Eid al-Fitr, we wish to offer the believers advise for the coming days and the ‘Eid.

1. Our decision to base our timing of ‘Eid al-‘Adha on confirmed North American crescent sightings stems from the following considerations:

    - a) The timing of Ramadan and ‘Eid al-Adha should be based on a single methodology. To base Ramadan on a North American crescent sighting, and ‘Eid al-Adha on the calendar of Saudi Arabia is to negate the relevance of the Hijri calendar as a determinant of the Islamic dates. Were we to adopt the dual criteria for determining our dates, we would in effect be working with two calendars, one based on actual North American crescent-sightings, predicated on variant geographical and astronomical conditions; the other based on the

astronomical new moon. This would in turn lead to a negation of many Prophetic traditions relating to crescent-sighting, such as His saying, Peace and blessings of Allah be upon Him:

> "The two months of 'Eid will not both be incomplete [1], [those months being] Ramadan and Dhul Hijja."[2]

- b) The advocates of coordinating 'Eid al-Adha with the Pilgrimage must produce a legal proof to support their claim. The two 'Eids were legislated during the second year after the Hijra. After arriving in Medina, the Prophet, Peace and Blessings of Allah upon Him, inquired, when informed that there were two days that the people of Medina were celebrating (Nayruz and Mahrajan), "What are these two days?" They said, "We used to celebrate them during the pre-Islamic period." The Messenger of Allah, Peace and Blessings of Allah upon Him, said, "Allah has substituted for

you two days better than them, The Day of the Sacrifice, and the day of Fast-breaking (al-Adha and al-Fitr).[3]

The Hajj was legislated eight years later, in some opinions seven years later.[4] Hence, for seven or eight years it was impossible to coordinate ‘Eid al-Adha with the standing on Arafat. The question then becomes, when was this coordinating instituted?

- c) The effort to base all of the Islamic dates, every year, on one country, with a total disregard for the actual crescent sighting, is problematic, and also negates the relevance of the Hijri calendar. The proof for the unified crescent sighting is the saying of the Noble Prophet, Peace and Blessings of God be upon Him, “Fast based on its [the crescent moon’s] sighting, and break the fast based on its sighting.”[5] It is well-known that the Hilal first appears at a different point in the moon’s orbit each month. This may be over the Middle East one month, over Africa the next, over the

Atlantic or Pacific oceans, or over North America. This divergent pattern is a manifestation of the justice of Allah. Eventually, every land will have the honor of first sighting the crescent moon. To fix the timing of all of the Islamic occasions, Ramadan, ‘Eid al-Fitr, Hajj and ‘Eid al-Adha on any one country, year after year, with total disregard of the actual sighting, is an extremely problematic practice.

- d) As for the saying attributed to Imam al-Tirmidhi that mistakes in the matter of determining the Islamic occasions are of no consequence, based on the Prophetic tradition, “The Fast is when you all fast, breaking the fast is when you all break the fast, and the day of sacrifice is when you all sacrifice,”[6] Imam al-Tirmidhi mentions that this is the opinion of some of the scholars. Others, such as al-Khattabi, are of the opinion that such mistakes are only permissible on issues involving personal reasoning, such as seeing the moon on the 30th day, completing the

full month, and then being informed that the moon was in fact seen on the 29th day.[7] Such mistakes, as mentioned by Prof. Ahmad Hasan in his English language commentary on the Sunan of Abu Dawud, are overlooked if they are occasional, not constant.[8] Similarly, such mistakes do not disregard the actual crescent sighting. In these days and times, when computer programs and models can create very accurate visibility curves as to when the crescent might first be sighted, it is inexcusable to overlook repeated mistakes in this matter.

- e) As for the contention that local crescent sightings should not be considered for distances greater than 700 miles, the distance between Damascus and Madina, locations of significance in the Hadith of Kurayb, which serves as one of the strongest basis for the legitimacy of local sightings, this distance has never been universally accepted as a demarcating distance. Imam al-Qurtubi reports that

the position of Malik was that a sighting in Basra is valid for the people of Yemen, a distance of over 1200 miles.[9] Ibn Rushd and Ibn Juzayy considered the distance to be considered for a regional sighting to be as great as the distance between Islamic Spain (al-Andalus) and Madina, a distance of over 3,000 miles. Ibn ‘Abd al-Barr, the great Maliki Hadith master, considered the distance acceptable to be united by a single sighting to be from al-Andalus to Khurasan in Iran, a distance of over 4,000 miles.[10] Hence, one can see that the establishment of a North American crescent sighting is a logical move that has a strong basis in traditional Islamic scholarship.

2. The first ten days of Dhul-Hijja are blessed days, which we frequently neglect. The Noble Prophet, Peace and Blessings of God be upon him, said, “There are no days in which righteous deeds done during them are more beloved to God than these days, referring to the first ten days of Dhul-

Hijja." They said, "O Messenger of God! Not even struggling in the Way of God?" He said, "Not even struggling in the way of God. Except [thestruggle] of a man who goes forth in the Way of God with his life and his wealth, then he returns with neither." [11]

During these blessed days we should try to exert ourselves in worship, for the 'Ulama' mention that the virtue of these days surpass even the virtue of the days Ramadan. Among the indications of the distinction of these days is the special mention made of them as a group or individually in both the Qur'an and the Sunnah. The above-mentioned Hadith suffices as an indication from the Sunnah, although we will mention other indications from that source shortly. As for the Qur'an, God says, "I swear by the Dawn, the Ten Nights, the Even and the Odd."[12] The Dawn, refers to the first or the tenth day of Dhul Hijja.[13] The ten nights refer to the first ten nights of Dhul Hijja, as related by Ibn 'Abbas and others.[14] The even and the odd refer to the Day of Sacrifice and Jumu'ah.[15] These ten days are also the

well-known days mentioned in the verse, "…and they remember the Name of God during the well-known days over the beasts We have provided them."[16]

The religion was also completed during these days. Umar ibn al-Khattab, May God be pleased with him, relates that the verse, "This day have I perfected your religion for you, and completed My Favor unto you, and chosen Islam as your religion," was revealed as the Prophet, Peace and Blessings of God be upon him, stood at ʻArafa [ontheninthofDhulHijja] during the Farewell Pilgrimage.[17]

Bearing these and many other virtues of these days in mind, we should be especially diligent in increasing our righteous acts during them. The following acts are especially recommended:

- a) We should try to fast as many of the first nine days as possible. We should make an extra effort to fast the Day of ʻArafa. It is related in Sahih Muslim from Abu Qatada, May God be pleased with him, that the Noble

Prophet, Peace and Blessings of God be upon him, said, “I anticipate that Fasting the Day of ‘Arafa will atone for the sins of the previous and coming year.”[18]

- b) We should carefully monitor our speech, what we listen to, and what we allow our gaze to fall on during these days, again, especially on the Day of ‘Arafa. The Noble Prophet, Peace and Blessings of God be upon him, said, “[Concerning] the Day of ‘Arafa, whoever controls his hearing, gaze, and speech on that day, he will be forgiven.”[19]

- c) We should be excessive in repeating the declaration of Tawhid, with special emphasis on the phrase, “La ilaha illallah, Wahdahu La Sharika lah, Lahul Mulk, wa lahul Hamd, biyadihi Khayr, wa Huwa ‘ala kulli Shayin Qadir.” [20] Imam Tirmidhi relates that this was the supplication the Prophet, Peace and Blessings of God be upon him, repeated more than any other on the Day of ‘Arafa.[21]

- d) We should pray for forgiveness and liberation from the Hellfire during these days, especially the Day of ‘Arafa. Imam ‘Ali, May God be pleased with him, relates, “God liberates people from the Hellfire every day. And there is no day when more people are liberated from the Hellfire than the Day of ‘Arafa. ”[22]

‘Eid al-Fitr commemorates the end of the struggle undertaken by the fasting believers. ‘Eid al-‘Adha commemorates the end of the struggle undertaken by the pilgrims to Mecca and the Sacred Precincts. The latter also commemorates the struggle of our father Abraham, Peace be upon him, and his family. Abraham’s struggle revolves around his pure devotion to God, and his willingness to sacrifice everything he possessed for his Lord, even his very son.

During this blessed season, let us all strive to renew our commitment to our faith. Let us commit ourselves to the great struggle of carving out for our community a dignified place in these Western lands. Let us renew the spirit of sacrifice and selflessness in this world of selfishness and

egoism gone mad. However, let us also take time to enjoy ourselves during the coming holiday. But even as we enjoy ourselves, let us keep the remembrance of God ever present on our tongues and in our hearts. Our beloved Prophet described our great holiday best when he mentioned, concerning the three days which follow the ‘Eid day, “They are days of eating, drinking, and remembering God.”[23]

May each year when these blessed days return find you all in the very best of states. May your life be dominated by the remembrance of God. In all that we do, May He be glorified.

On behalf of your servants at the Zaytuna Institute, Imam Zaid Shakir

References (for the above article only)

[1] The scholars differ as to the meaning of this expression (…will not both be incomplete). Ibn Hajar mentions in Fath al-Bari that one of the well-known meanings among the righteous forebears was that both months will not be 29 days in one year. This opinion is related from Imam Ahmad ibn Hanbal. Imam Ahmad’s opinion is supported by a Prophetic tradition,

"The two months [Ramadan and DhulHijja] will not be 58 days." See Ibn Hajar al-'Asqilani, Fath al-Bari: Sharh Sahih al-Bukhari, (Damascus, Syria: Dar al-Fayha', 1997) vol. 4, pp. 160-162.

[2] Related by al-Bukhari #1912; Muslim #2526, 2527; Abu Dawud #2323; al-Tirmidhi #692; and Ibn Majah #1659.

[3] Abu Dawud al-Sajistani, Sunan Abu Dawud, Al-Riyad, Saudi Arabia: Dar al-Salaam, 1999/1420) p. 170.

[4] Dr. Mustafa al-Bugha, et. al, al-Fiqh al-Manhaji, (Damascus, Syria: Dar al-Qalam, 1998/1419) p. 370.

[5] This Hadith is related by Imam al-Bukhari #1959; and Muslim #2496.

[6] Related by al-Tirmidhi #697. See Imam Abu 'Isa Muhammad al-Tirmidhi, Jami' al-Tirmidhi, (al-Riyadh, Saudi Arabia: Dar al-Salaam, 1999/1420) pp. 177-178.

[7] This is a paraphrase of al-Khattabi's opinion mentioned in Muhammad Shams al-Haqq al-'Adhim Abadi, 'Awn al-Ma'bud: Sharh Sunan

Abi Dawud, (Cairo, Egypt: Dar al-Hadith, 2001/1422) p. 411.

[8] See Prof. Ahmad Hasan, Trans., Sunan Abu Dawud, (Lahore, Pakistan: Sh. Muhammad Ashraf 1984) vol. 2, p. 635.

[9] Muhammad Ahmad al-Qurtubi, al-Jami' li Ahkam al-Qur'an (Beirut: Dar al-Fikr, 1407/1987), vol. 2, p. 296.

[10] For a fuller discussion of this issue see Dr. Khalid Yahya Blankinship, "On The Moon Sighting of Ramadan." Grassroots: The Journal of MANA, Fall 2004, p. 16.

[11] Ibn Hajar al-'Asqilani, vol. 2, p. 589, #969.

[12] Al-Qur'an 89:1-2.

[13] See Ibn Rajab al-Hanbali, Lata'if al-Ma'arif (Damascus: Dar Ibn Kathir, 1416/1997), p. 470.

[14] Ibn Kathir, Tafsir al-Qur'an al-'Adhim (Beirut, Sida: Al-Maktaba al-'Asriyya, 1416/1996), vol. 4, p. 459.

[15] Ibn Kathir, vol. 4, p. 459.

[16] Al-Qur'an 22:28.

[17] Ibn Hajar, vol. 1, pp. 141-142, #45. Muslim, #3017.

[18] Muslim, #1162.

[19] Musnad Imam Ahmad, vol. 1, no. 329.

[20] The translation of this phrase is, "There is no god but Allah. He is alone without partners. His is the dominion, and unto Him is all praise. With Him is all good, and He over all things has power."

[21] Al-Tirmidhi, #3585.

[22] Quoted in Ibn Rajab, p. 494.

[23] Muslim #1141.

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7. Concerning the Dates for Eid-ul-Adha and Hajj

(M. Abdullah Saleem)
November 1999

Concerning the different rituals of worship of salah and fasting in Islam, one may not be made to depend on the other. Similarly, Eid-ul-Adha and Hajj are two separate rituals of worship, not dependent upon each other.

1. Looking at the history of the prescription of the two rituals, Hajj was made fard in the sixth year of Hijrah (lam'at commentary on Mishkat), whereas, Eid-ul-Adha was instituted since the first year of the Hijrah.

   Reported on the authority of Ibn Umar (RA): Rasulallah (SAW) lived in Medina for ten years and made sacrifice each year. (Tirmidhi)

2. The salah of Eid-ul-Adha is wajib (incumbent) upon all those Muslims who live in such towns where the salahs of the two Eids and Jumma are correct according

to the specifications of the towns given by fuqaha (jurists). Mina satisfies such specifications, yet, it is not wajib (incumbent) upon those hujjaj who are present in Mina on the tenth of Dhul-Hijjah to offer the salah of Eid-ul-Adha even though Mina has been known to be a part of Makkah and within its city limits from the beginning. And now, a part of the Makkan population resides in Mina; nonetheless, the salah of Eid-ul-Adha is not wajib (incumbent) upon the hujjaj.

"Mina is a place where salatul-Eid is permitted except that the hujjaj are exempt from it [salah Eid-ul-Adha]. With our exhaustive search, we have found no such practice [hujjaj making salah Eid-ul-Adha]. Nor did we find a salah Eid-ul-Adha in Makkah, nor did we or the mashaykh [scholars] make salah Eid-ul-Adha in Makkah." (as cited by Shami from commentary of Al-Ashbah from the chapter on hunting)

3. The sacrifice of Eid-ul-Adha is wajib (incumbent) upon all those who posses enough wealth to satisfy the least condition

of nisab (those who are sahib-al-nisab). However, such a sacrifice is not required by the hujjaj in Mina according to most fuqaha (jurists). The sacrifice made by the hujjaj is not caused by them being sahib-al-nisab but rather by them combining umrah with Hajj in the Hajj of tamattu or qiran. If the umrah is not combined with Hajj, then even this sacrifice is not required. In Maliki school of thought, it is required that the one making the sacrifice for Eid-ul-Adha must not be a Hajji (pilgrim), even though, he may be Makkan. (Kitabul Fiqh, section on sacrifice)

4. If an individual is not able, monetarily, to give the ritual sacrifice of tamattu and qiran, then he will fast for ten days in lieu of the sacrifice. As it has been stated in the Quran:

> *" ...he must make an offering such as he can afford, but if he cannot afford it, he should fast three days during the Hajj and seven days on his return, making ten days in all...."* (2:196)

Whereas, if a non-Hajji is unable to give the sacrifice, he is not obliged to fast for ten days or give any other expiation, making the ritual of sacrifice of Hajj given by the pilgrims separate from the sacrifice of Eid-ul-Adha.

5. The sacrifice of Eid-ul-Adha may be performed anywhere, however, the sacrifices of tamattu and qiran can only be given within the limits of Haram.

6. The sacrifice of Eid-ul-Adha becomes wajib with the advent of the dawn of the tenth of Dhil-Hijjah, provided that the individual has in his possession an amount at least equal to nisab. While the views held by jurists and scholars in regards to the sacrifice of tamattu and qiran are as follows:

    - Shafei scholars forward that the time when the sacrifice of tamattu becomes wajib is when one does the ihram for Hajj. It is permitted, however, to give sacrifice even before this time. In this case, one

may give his sacrifice anytime after his completion of umrah. The preferable time for offering sacrifice is on the tenth of Dhul-Hijjah. Furthermore, there is a time limit before which the sacrifice need be made. One may offer it anytime after the umrah as stated above.

- According to Maliki scholars, sacrifice may be given anytime after doing the ihram of umrah but before doing the ihram for Hajj.

- Hanbali scholars state that the sacrifice of tamattu and qiran can be offered only after the dawn of the tenth of Dhul-Hijjah.

- According to Hanafite scholars, the sacrifice of tamattu and qiran must be done on the tenth of Dhul-Hijjah but after the stoning at Jamarat-al-Aqabah (Kitabul Fiqh ala al-Madhahibal Arba'ah).

7. According to Shafite scholars, one who made the sacrifice of tamattu and qiran is not allowed to eat of the sacrifice. The meat, in this case, needs to be distributed among the needy. However, the Hanafite and Malaki scholars state that the one who make the tamattu or qiran sacrifice may eat of its meat. Hanbalite scholars agree with this ruling only because it has been established by the Sunnah of the Prophet (peace be upon him); otherwise, under normal circumstances, they do not regard the consumption of meat from a wajib sacrifice to be lawful for the one who sacrificed the animal. As the sacrifice of tamattu and qiran is wajib, the Hanbali scholars would normally regard the meat unlawful for the one who made the sacrifice, but since it has been established by the practice of the Holy Prophet (peace be upon him), they have considered the consumption of the meat lawful. (*Kitabul Fiqh 'ala al- Madhahibal Arba'ah*).

The aforementioned make it abundantly clear that Hajj and Eid-ul-Adha and their respective sacrifices are two separate and independent forms of worship. One is neither contingent nor linked

to the other. Yet, some still speak of these two independent forms of worship as if they were interrelated. There is no evidence to support this view other than the fact that Hajj falls on the ninth of Dhul-Hijjah and Eid-ul-Adha on the tenth. Based on this fact, it is advanced that Eid-ul-Adha must follow Hajj on the following day. By way of analogy, they claim that Eid-ul-Adha must be performed by people all over the world the very next day after the ninth of Dhul-Hijjah. In which authentic book of jurisprudence can we find a ruling that supports this view? This is a question that remains to be answered. Even if we adopt the view that there is only one universal horizon for the entire world as a basis for the previous argument, the argument will not stand. Because in this case, it would mean that the crescent would always be sighted in the Hijaz before it can be sighted anywhere else in the world. The crescent always cannot be sighted in the Hijaz first. However, it is uncanny that for the last few decades, the crescent seems to be sighted first in Saudi Arabia than anywhere else in the world. Allamah Haskafee, author of ad-Dur al-Mukhtaar, states, in discussing the concept of a universal horizon, that the inhabitants of the eastern hemisphere will take the moon sighting of the inhabitants of the western hemisphere provided

they are sure the moon has really been sighted in the west.

Allamah Shaami writes that as far as the view that there are multiple horizons for the world, this is a matter wherein there is no dispute; this is a matter that cannot be denied. Allamah Shaami further writes that the only case where there is room for dispute in regards to whether there are multiple horizons or a universal horizon is in the case of Eid-ul-Fitr and the initiation of Ramadan. Notice, that Eid-ul-Adha is not mentioned. Let us for the sake of future discussion look at the different points of views regarding the horizon and Ramadan/Eid-ul-Fitr.

Shafite scholars and the Hanafite scholars Zay'li' and Saahibul Faidh, are in agreement that there is only one universal horizon for the world in the matter of Ramadan and Eid-ul-Fitr. However, the according to the more accepted Hanafite view, in addition to Malaki and Hanabalite scholars, this is not a valid conclusion i.e., there are multiple horizons in the matter of Ramadan and Eid-ul-Fitr. This is based on a broader interpretation of the hadith-- begin fast with the sighting of the moon and terminate the fast with the sighting of the moon-- than that of the Shafite scholars, Imam

Zayli', and Saahibul Faidh, all of whom take a more restrictive interpretation of the same hadith to support their view.

Allamah Shaami then writes in regards to Hajj and Eid-ul-Adha the following: It is understood from the discussion in Kitab-ul-Hajj that the view of multiple horizons is correct in the matter of Hajj. If it is known that the crescent (of Dhul-Hijjah) was seen a day earlier in another town it will not make anything obligatory on them (the people of the town who saw the moon a day later). Can this be said about the sacrifice of those not performing Hajj as well? The reasoning is clear. Multiple horizons is adopted in the rulings of fasting because of its being related to 'sighting'; 'sacrifice' is contrary to it. Apparently, the sacrifice is like the timings of the prayers. Every one has to go by its own time. Therefore, it is valid for those who are sacrificing on the third day according to their sighting even though it may be the fourth day according to the sighting somewhere else.

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1.2 Conclusion

The above opinions are more than enough to understand that we should follow our own local moon-sighting to celebrate our Eids.

Important point to remember: Saudi Arabia is normally seven hours behind Australia (add one hour during daylight saving). If people in Australia celebrate Eid-Ul-Adhaa according to the Saudi Calendar , the Hajj pilgrims will be spending their night (approximately in the middle of the night) of 10th Dhul-Hajj in Muzdalifah. By the time Hajj pilgrims offer their sacrifices (say 9am or 10am on the morning of the 10th Dhul-Hajj) the corresponding normal time in Australia will be 4pm or 5pm. Now the big question which arises here is that who is following who? Those who still believe that we in Australia should follow Hajj pilgrims, I am afraid; they have a lot of explaining to do. In short, it is a ridiculous claim which cannot be substantiated at all. The fact of the matter is that the other way around is true. Come on, get real and admit folly.

The summary of this issue is that we should follow our own local moon-sighting to celebrate our Eids. as the Prophet **(Sallallāhu ‘Alayhi Wa Sallam)**

has said: “ Fast starts when you fast and Eid will be celebrated when you celebrate and Eid ul Adhaa will be celebrated when you celebrate.” [1]
This Hadith explains that our fasting month and Eids will be celebrated in accordance with local moon-sighting.

[1] Al-Tirmidhi: 1/93

CHAPTER 5 A humble request

My humble request to the readers of this book is to Fast in Ramadān and to celebrate the two Eids strictly in accordance with the sunnah of the Prophet Muhammad (Sallallāhu ʻAlayhi Wa Sallam) , so as to get the timely mercy of Allah(Subhānahu Wa Taʻālā) , otherwise we will miss the opportunity of His mercy.

I would like the readers to fully realize the importance of LAYLAT UL QADR which falls due on ODD NIGHT in the last ten days of Ramadān, the ODD will become EVEN if we deviate from the sunah of the Prophet Muhammad (Sallallāhu ʻAlayhi Wa Sallam).

May Allah (Subhānahu Wa Taʻālā) accept my efforts and make this book a source of perpetual reward for me and the readers. Aameen.

May Allah (Subhānahu Wa Taʻālā) grant us the full comprehension of Islam and enable us to follow the Blessed Sunnah of the Prophet (Sallallāhu ʻAlayhi Wa Sallam) correctly.

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